

IHT Part 5 Translation

(...continued from IHT Part 4)

Moreover, due to the fact that the accused Barzan Ibrahim was the Head of the Intelligence Service, the Head of the officers and staff and guards of the Investigation and Interrogation Department (Al-Hakimiya) and Head of the guards of the special section of the Abu Ghuraib Prison that followed the aforementioned department as well as the Intelligence Service; and the presence of a superior-subordinate relationship between him and them and that those employees were following the orders of the Accused Barzan Ibrahim, and that he knew that his employees tortured those civilian victims as these acts of torture were performed in his presence and under his supervision, and some of these acts were even perpetrated by him in person in the presence of those employees, and he did not do anything to prevent that crime; and because that crime involved activities that were within his responsibilities and active control (acts of torturing victims to force them to confess performing an act which they did not perform and that is the assassination attempt against the Accused Saddam Hussein or forcing them to confess that they were members of the “Daawa Party”, or forcing them to sign statements with confessions about their involvement in those acts without reading these statements first), or even torturing them just for revenge; and the fact that the Accused Barzan did not take any of the measures that were necessary and reasonable within his legal and de facto authority, and consequently within his capacity to prevent committing the crime, despite the fact that he had the legal authority being the Head of the Intelligence Service and the de facto authority being one of the major figures in the former regime and the Head of a service that was so scary that just mentioning its name could horrify any Iraqi, and in a dictatorial regime that was led by his brother the Accused Saddam Hussein , and he also did not take any measures to prosecute any of the officers and staff of the Intelligence Service who worked at the Investigation and Interrogation Dept. about this particular crime or the other crimes that were committed against the residents of Dujail in contrast with all human laws, values and customs, and divine laws; therefore, the Accused Barzan Ibrahim is also found responsible for torture as a crime against humanity according to article 15/ fourth of the High Court's Law.

Almighty Allah says: “We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation.” The Holy Qur’an (AL-ISRA: 70)

The extent to which the accused Barzan Ibrahim is responsible for the forcible disappearance of persons as a crime against humanity.

We mentioned earlier that for this crime to take place and thus to prosecute its perpetrator, a number of elements must be available. These elements have been indicated earlier when we were examining the extent of Accused Saddam Hussein’s criminal responsibility for this crime. After examining and discussing the available evidence in this trial, it has become clear to the Court that some of the elements of the crime of

Enforced disappearance of persons as a crime against humanity are unavailable and thus none of the those accused in this trial who were accused of doing this, including the Accused Barzan Ibrahim, can be held responsible for actions that are not considered a crime by the International Law and the Law of the Court, especially that it was not proven to the Court that any relative of the victims has come forward to any official department to enquire about the fate of the victims or their whereabouts. It has also not been proven to the Court that any of those departments, including the one that was headed by the Accused Barzan Ibrahim, has refused to admit detaining, keeping in custody or kidnapping any of the residents of Dujail whether during or after arresting them and keeping them in custody. Some enquiries may have been submitted by the relatives of some of the victims in this regard, and there may have been denial of imprisoning, keeping in custody, or kidnapping any of the residents of Dujail by the Intelligence Service, but what is definite is that none of these enquiries or denials of imprisonment or keeping in custody is available in the documents presented to the Court. It has also not been proven to the Court that the Accused Barzan Ibrahim or any of those accused in this trial who have been accused of this charge were aware that arresting the residents of Dujail will be normally followed by denial of depriving them of their freedom or not offering information about their fate or whereabouts whether during the process of arresting them and keeping them in custody or even after that.

And if none of these elements of the crime is available, this would lead to the unavailability of yet another element of this crime and that is: that the denial of depriving these residents of Dujail of their freedom or not offering information about their fate or whereabouts was done by the government or by a political organization or done with its permission, support, or recognition; and because it has not been proven to the Court from the available evidence in the trial that there was refusal on the part of any of the government departments or the Baath Party to admit this as none of the relatives of the victims has put forward an enquiry in the first place, or that this enquiry may have been put forward but is not available in the documents presented to the Court, and for all of those reasons, this Court has decided to annul the charge against the Accused Barzan Ibrahim for this crime, and more accurately for this act in accordance with article 182/b in the Amended Criminal Court's Law No. (23) 1971.

The extent to which the Accused Barzan Ibrahim is responsible for the other inhumane acts as a crime against humanity

The evidence available in this trial against the Accused Barzan Ibrahim regarding the razing of the orchards in Dujail lies in the statement given by the witness Waddah Al-Sheikh and also the statement of the Accused Mizhir Abdullah during interrogation, and the statement of the Accused Taha Yassin Ramadan during interrogation too, in addition to some more documentary evidence, and as follows:

The witness Waddah Al-Sheikh stated during interrogation on 25 Jan 2005 that:

“At that time a committee was formed and it was headed by the Accused Taha Yassin Ramadan, and the department’s representative (referring to the Intelligence Service) was Muhammed Olaiwi. One of the suggestions put forward by the Accused Taha Yassin Ramadan was to raze the trees and the orchards to a distance of 1 to 3 kilometers in all directions, and this suggestion was carried out following orders from the Accused Taha Yassin Ramadan, and the orchards and trees in the area of Dujail were razed.”

The Accused Mizhir Abdullah stated to the interrogating committee on 21 Feb 2005:

“Regarding the matter of razing the land and the cutting of the trees, I was assigned by the seniors in the party and by the order from the Accused Barzan Ibrahim that was delivered to us through the party to escort the (bulldozers, and graders and other heavy equipment) for the purpose of cutting the trees and razing the land, and I did go with the bulldozers that performed the act, etc.”

As for the Accused Taha Yassin Ramadan, he states in his statement that was put on paper by the interrogation committee on 9 Feb 2005:

“I did go to the National Assembly following the orders of the Accused Saddam, and I found Fadhil Al-Barrak who used to hold the position of Head of the General Security Service ... I also found a person whose name I cannot remember right now. This person told me that he represented the Head of the Intelligence Service, and informed me that the Head of the Intelligence Service went to meet Saddam Hussein after the incident with two or three people that I do not remember in particular, etc.”, and there are documents in this trial that were issued during the period between September and November of the year 1982, that indicated the plans of the Intelligence Service to deal with the land of the imprisoned residents of Dujail, when the Accused Barzan Ibrahim the Head of the Intelligence Service used to support that resolution issued by the Revolution Command Council headed by the Accused Saddam Hussein numbered 1283 on 14 Oct 1982 and signed by the Accused Saddam to confiscate the land that is owned by victims from the residents of Ballad and Dujail, and to transfer their ownership to the Ministry of Agriculture and Agricultural Reform. This document is important because it shows that the former Baathist Regime has implemented a plan to confiscate the land that is owned by victims from the residents of Dujail and the same for those from Ballad, a plan that was put forward by the Intelligence Service that was headed by the Accused Barzan Ibrahim.

And since satellite imagery for the Dujail area before the razing and after it and which was presented to the Court showed that the orchards of Dujail with their fruitful trees has become arid land after razing; and since that plan which was put forward by the Intelligence Service, and the resolution that was issued by the dissolved Revolutionary Command Council were against the law and the Temporary Constitution of the year 1970; and since the razing of the orchards in Dujail and the confiscation of the lands had caused great suffering to the residents of Dujail, especially to the land owners and the civilians who worked on them, as all fruitful trees were uprooted and destroyed; and

since this act is similar in character to the inhumane criminal acts stated in article 12/1st in the Court's Law; and since this act aimed at destroying the sources of income of those victims; and since the Baath Party regime that the Accused Barzan Ibrahim is considered one of its major figures has targeted the residents of Dujail victims who had great suffering because of that action and underwent great damage that was beyond repair whether physically or psychologically; and since it has been proven for this court that the decision to raze the orchards was taken in the meeting that was attended by "Muhammed Olaiwi", who was the chief of staff at Accused Barzan Ibrahim's office at the time, and that was during his meeting with Accused Taha Yassin Ramadan and Fadhil Al-Barrak at the National Assembly building on the day that followed the event; and since the Accused Barzan Ibrahim's participation in this concern along with that of others was with a mutual criminal purpose with the intention to commit this act, and this participation was made on purpose and was offered in order to further the criminal activity of the Intelligence Service in which Muhammad Olaiwi attended the meeting where it was agreed to commit this act and that was held at the National Assembly building on behalf of the Head of the Intelligence Service the Accused Barzan Ibrahim; and since that participation aimed at furthering the criminal activities of the Baath Party regime, and the fact that the Accused Barzan Ibrahim knew that the Accused Saddam Hussein had the intention to commit this crime as the Accused Barzan had direct contact with him because the Intelligence Service that participated in planning for the orchard razing and land confiscation was directly linked to the Revolution Command Council of which Accused Saddam Hussein was the Chairman, and as the Accused Barzan Ibrahim knew about the Accused Saddam's decision due to his close family relation with him being his half-brother (having the same mother); and since those inhumane acts were part of a widespread systematic attack against civilians and that the Accused Barzan Ibrahim had had known about the attack, and following what was stated by the witness Waddah Al-Sheikh on 25 Jan 2005 and what was stated by the Accused Mizhir Abdullah on 21 Feb 2005 and Taha Yassin Ramadan on 9 Feb 2005, and for all of the documentary evidence indicated earlier, the Accused Barzan Ibrahim is considered criminally responsible for the other inhumane acts that constitute a crime against humanity according to article 12/1st/j from the Court's Law and article 15/2nd b, d in the same law.

The Court's verdict regarding the charges against the Accused Barzan Ibrahim

First: It has been proven to the court beyond reasonable doubt that the Accused Barzan Ibrahim has committed acts that comply with the rulings of article 12/1st /a, d, e, f, j in the Iraqi High Criminal Court's Law No. (10) 2005 under articles 15/1st, 2nd, 3rd and 4th of the same law, and therefore the court has decided to convict him for them and as follows:

1. Convicting the Accused Barzan Ibrahim Al-Hassan for willful killing as a crime against humanity according to article No. 12/1st /a in the Court's Law and under article 15/2nd / a, b, d and article 15/4th of the same law.
2. Convicting the Accused Barzan Ibrahim Al-Hassan for displacing residents or forceful transfer of residents as a crime against humanity

according to article No. 12/1st /d in the Court's Law and under article 15/2nd / a, b, d and article 15/4th of the same law.

3. Convicting the Accused Barzan Ibrahim Al-Hassan for imprisonment and extreme deprivation of physical liberty, an act that goes against the basic rules of the international law as a crime against humanity according to article 12/1/E. of the Court's Law and under the article 15/2/B, D, and F and article 15/4th of the same law.
4. Convicting the Accused Barzan Ibrahim Al-Hassan for torture as a crime against humanity according to the article 12/1/G. of the Court's Law and under article 15/2/A, B, C and F and article 15/4 of the same law.
5. Convicting the Accused Barzan Ibrahim Al-Hassan for other acts of the same character that can deliberately cause great suffering and grave harm to the mental or physical health as a crime against humanity according to article 12/1/I of the Court's Law and under article 15/2/B, D of the same law.

All of the above goes within article 182/A of the penal Court's Law, number 23 of the year 1971.

Second: Since the crime of enforced disappearance of persons as a crime against humanity has not been committed and due to the unavailability as one of its elements, the court has decided to annul the charge against the Accused Barzan Ibrahim Al-Hassan from this act and acquit him of this charge according to 182/B of this amended penal Court's Law, number 23 of the year 1971. In the presence of the Accused, the decision was taken by consensus and declared in public on November 5, 2006.

Signature,
Member

Signature,
Member

Signature,
Member

The Conviction Verdict of the Accused Barzan Ibrahim Al-Hassan

Following the Indictment, dated May 15, 2006 against the Accused Barzan Ibrahim Al-Hassan under article 12:

Since you were the head of the Intelligence Service and were personally in charge of the security of the head of state, your brother, the Accused Saddam Hussein, when he visited Dujail, and when his procession was shot at on July 8, 1982, and on the same day he met you on his orchard in Radwaniya and then you came to the Dujail to lead the operation of interrogation and investigation with the criminals as they were described and you stayed in that town for three days using the headquarters of the Baath Party office as your own office to run the operations where you have given direct orders to the security and party members and the popular army to put the town under blockade and a state of alert in preparation for launching a systematic attack on a large scale using different kinds of weapons, including war planes and military helicopters to bombard the town and neighboring orchards and to encircle them. And then to search houses and keep in custody family members including men, women, and children, and put them in the police station and Baath Party Headquarters in preparation to transport them in groups using private cars and buses that belonged to the headquarters that belonged to the Intelligence Service in Baghdad so you could start interrogation and investigation of a different kind. From the members of the families that have been transported from Dujail to Baghdad where things took a different turn that was against the rules and laws of investigation procedures, according to the amended penal Court's Law, number 23 for the year 1971.

Where first the Intelligence Service investigator started by exploring the scene of the incident when the director of interrogation and investigation of the Intelligence Service. Waddah Al-Sheikh surveyed the place and supervised along with other officers, the process of group imprisonment and transporting those arrested in groups to Baghdad and in the building of the investigation department that belonged to the Intelligence Service. Waddah Al-Sheikh stated in front of the head of the court on October 23, 2005 that "The searching of the orchards and the deployment of troops in Dujail was done following orders from Barzan and at the end that most of the people who were referred to the Revolution Court denied the shooting incident or having any connection with what happened; and since the very first hours of the incident, you became like military ruler with full authority and the court has noticed that in your presence, starting in the Baath Party Headquarters that you released some of those who were already arrested but that after applying a sophisticated but tasty security plan and under your actual supervision, big group imprisonment processes for whole families including old people and infants were done and according to a well calculated plan, these people were all transferred to the investigation headquarters of the Intelligence Service instead of referring them to the judicial authorities in charge of investigation according to the current laws in this regard. And after finishing the procedures in terms of arresting all suspects as families and not as individuals, all their possessions and money and orchards were confiscated."

And Waddah Al-Sheikh mentioned in the above statement that "the searching of the orchards and the deployment of the troops in Dujail was upon orders from Barzan" adding that "there was no action plan. It was all done haphazardly." "Barzan has also issued an order that all those who carry weapons should be referred to court which means that all those who could carry weapons are referred to the Intelligence Service headquarters...and most of those who have been referred to the Revolution Court later have denied the shooting incident and having any connection with what has happened."

And so when you ran the investigation in the case of Dujail, you have looked at them from the very beginning as criminal enemies and you were violent to the accused or those who were under suspicion and the intention to destroy lives was clear and obvious to all those who were arrested and accused in the first place.

Therefore, the cases of murder and torture and violation of rights that occurred later were premeditated according to a long term systematic plan that did not accept any retreat or absence of implementation and within this spirit, and from the very first hours of the incident, you ran the arresting of the operations like a "military ruler with full powers" and the court has noticed from the statements that you have actually supervised directly the group arresting operations as individuals and families, women, men and children and that during your stay for three days, that you were directly in charge and the commanding officer with regard to the group arrests and then transporting them using cars that belonged to the Intelligence Service to the investigation and interrogation office that belonged to the Intelligence Service in Baghdad without any interference from the judicial authorities that are concerned with the investigation procedure according to the penal Court's Law, number 22 for the year 1971.

This means that the interrogation and from the beginning has taken an irregular turn that was against the law for those who were arrested including women and children who were treated like spies and traitors with the claim that they were conspiring against the government since those who were shooting where "intelligence agents from an enemy or hostile country". This accusation was thrown at those groups of people, even at the very beginning of the interrogation according to the official statement by the official authorities about this incident.

According to your directives, the town was put under an "exceptional programmed military blockade" in preparation for launching "a large scale systematic attack" and under your supervision using different kinds of weapons including military helicopters and warplanes on orchards and the suburbs of the town followed by searching and group arrests and nine people were killed right away in the orchard and the bodies were brought from the orchards to you to recognize them and to their families and these were Abbas Jasim Muhammed, Ridha Hatto Al-Salami, Karaam Kadhim Jafar Al-Zubaidi, Imad Hassan Mahdi Jafar Asadi, and Raad Al-Karbalai who was visiting town, Muhammed Abd Jawad Al-Zubaidi, Mahroos Muhammed Hadi Al-Kilabi, Hashim Adnan Jasim Al-Khazaali and Sadiq Majid Hamid Al-Khazaali Sattar Tawfiq Yihiya Al-Khafaji and following direct orders from Barzan Ibrahim from family members were gathered after the attack by joint forces from the army and the security and party members in their

houses and the number of the family members who were arrested was 399 people including men, women and children and they were transported under direct orders from you and using buses belonging to the Intelligence Service with drivers from outside Dujail to Baghdad "the headquarters of the investigation department of the Intelligence Service" and following your direct orders, those who were arrested were put in halls, in rooms that were lit with red lights and where the walls were all painted in red and then interrogators started torture and maltreating those arrested including "old people, men, and women", "unmarried young women" and "little children" using different kinds of physical torture using electricity, "hitting them on the head with iron bars" and hanging them by their feet or hands, "depriving them from sleep," "sexually assaulting the young women, and forcing them to get naked." As a result of this torture the following people died: Yaqub Yusif Hassan Al-Obaidi, Jasim Muhammed Litif Al-Salami, Salih Muhammed Jasim, Qassim Ali Asad Al-Haidari, and Alwan Hassan Al-Salami and after more than seventy days of torture, the remaining family members were transported to the Abu Ghuraib Prison (the section that belongs to the Intelligence Service) and there the torture continued and deprivation of sleep, and facilities, as well as physical and psychological relief where "women and children were isolated from the men in their families" and the court has eyewitness statements regarding your personal participation in torture and maltreatment towards those who were arrested and as follows:

1. Complainant Number 1 who came to the court on January 21, 2005 testified that "Barzan personally kicked him during interrogation"
2. The lady witness, Number 2, testified to the court on February 1, 2005 that Barzan issued the order "of hanging her upside down from the ceiling" and he watched as "she was being tortured" by hitting her with electric wires and then he hit her himself "in her chest and he broke her ribs".
3. Complainant Number 2, who testified in the court session on February 2, 2005 that "Barzan burned his head in the ear area" using a lit cigarette and that he put off the cigarette on his ears which caused it to burn and that there are some marks that still show until now.
4. Complainant Number 2, who testified on December 21, 2005 that Barzan was present in the torture room and that he was eating grapes as the guards were torturing him in the building of the interrogation court of the Intelligence Service.
5. Complainant Number 3, who testified to the court on December 21, 2005 that Barzan threatened "to take out his intestines, to snatch them out of his anus (saying that I'm going to take out your asshole and give it to you in your hand)" and Barzan used to torture him on a daily basis and repeatedly.
6. Complainant Number 3, who testified in the court session of February 1, 2005 that "Barzan shot her and he hit her with a stick" and he ordered to transport her to the "operation room" and he tried to "put her in a sack to hang [from the ceiling] her".

7. The witness, Shehab Ahmed Abbas Al-Khazraji, in his statement to the interrogation judge on July 13, 2004 that Barzan personally supervised "the group arresting operation" and based upon the statements given by witnesses, objective facts and the evidence that has been provided to the court during the interrogation and the court process and based upon the documents and official evidence within the context of this case

And since there is sufficient evidence in the case in hand and as a result of the trial and interrogation and after examining the statements of the interrogation documents and in accordance with article number 182 of the amended penal Court's Law number 23 for the year 1982. The court in consensus has decided to convict the Accused Barzan Ibrahim Al-Hassan according to the rulings of article 12/1 and the items A, D, E, F, H and article 15 items 1st, 2nd, 3rd, 4th of the Iraqi criminal Court's Law number 10 for the year 2005 and in accordance with article 406 of the penal law number 111 for the year 1969 in the case in front of it, number 1/C/Dujail/2005 and to decide upon his punishment according to it, and the Accused was informed in public on November 5, 2006.

Judge Raouf Rashid AbdulRahman (seal & signature)
Seal of the Iraqi High Court

The Accused Taha Yassin Ramadan
The charges against the Accused Taha Yassin Ramadan

On May 15, 2006, this court charged the Accused Taha Yassin Ramadan with participating and committing a number of crimes against humanity embodied in article 12/1/A, D, E, F, I, and J from the high Iraqi criminal Court's Law, number 10 for the year 2005 and the article 15/1st and 2nd and 3rd and 4th of the same law.

A summary of the statements given by the complainants and the prosecution witnesses against the Accused Taha Yassin Ramadan

The majority of the complainants and witnesses did not mention that they saw the Accused Taha Yassin Ramadan arresting, imprisoning, torturing, murdering or deporting any of the residents of Dujail by force or enforcing the disappearance of any of them or ordering anybody to commit any of those acts that constitute crimes against humanity. And also none of the complainants or witnesses said that they heard themselves (not from others) the Accused Taha Yassin Ramadan giving orders to others to commit those criminal inhumane acts. Apart from the other inhumane acts as a crime against humanity, a large number of those complainants and witnesses stated that they had seen the Accused Taha Yassin Ramadan as he was supervising the acts of razing the orchards in Dujail area or that he has known about this from others.

However, the witness Waddah Ismail Al-Sheikh mentioned in his statement that was transcribed by the interrogation committee on January 25, 2005 "at that time a committee was formed, headed by the Accused Taha Yassin Ramadan and in that committee Muhammed Olawi represented the service who was at the same time the chief of staff of the Intelligence Service to deal with the case of Dujail as it was a serious event and one of the suggestions that were put forward by the Accused Taha Yassin Ramadan was to cut the trees and orchards to a distance of one to three kilometers in all directions and this suggestion was carried out upon orders issued by the Accused Taha Yassin Ramadan and the orchards and trees in Dujail area were cut and razed. This committee also decided to keep them in custody in the area of Nugrat Al-Salman south of Samawa in camps that were made ready for them knowing that until now and this was said in 1984, not a single Accused was referred to court and in particular in November 1984, the people from the families of the Dujail were kept in custody from 1982 until I left the Intelligence Service in February 1984 when they were sent to the camp that was made ready for them but which I have not seen as I was informed that they will be kept in Nugrat Al-Salman and this order was given by the committee that was formed and was headed by the Accused Taha Yassin Ramadan and I think that the order was between Taha Yassin and Saddam Hussein, but as far as the razing of the lands and orchards is concerned, that was Taha Yassin Ramadan's.

The witness Waddah Al-Sheikh mentioned in his statement that was transcribed by a committee of three judges and the first committee of the high Iraqi criminal court on October 23, 2005 during his presence at the military hospital in Abu Ghuraib and which

was read in court on October 28, 2005 "as for the role of the Accused Taha Yassin Ramadan, at the beginning he didn't have any role but almost one month later a committee was formed and it was headed by him and that committee as far as I can remember had as its primary role the razing or uprooting of the orchards in Dujail and Balad as for the second role of the committee, that had to do with the families that were kept in custody and I don't know the details of that role and one of the members of the committee was Muhammed Olaiwi and Sadoun Sabri.

The witness Waddah Al-Sheikh was a director of the interrogation and investigation at the Intelligence Service and Muhammed Olaiwi was the chief of staff at the Intelligence Service at that time. The witness Waddah Al-Sheikh also said "as I mentioned earlier the party member who was in charge in the Dujail, Ahmed Ibrahim who had full power inside Dujail to follow up on arresting citizens after the incident and before it in Baath Party follow up was transferred to the intelligence and he remained in the Intelligence Service until I was convicted and as far as I remember he was returned to the dissolved Baath Party in Dujail.

And it can be observed that Ahmed Ibrahim the Baath Party member who was in charge in Dujail must have been one of the major members of the popular army in Dujail at that time and thus had contact with the general leader of the popular army at the time the Accused Taha Yassin Ramadan. The Accused Taha Yassin Ramadan was also a member in the regional command of the Baath Party and Ahmed Ibrahim being the Baath Party member who was in charge in Dujail must have had contact with him through this position in one way or another.

Complainant/Ahmed Hassan Muhammed Al-Dujaili in the trial session that was held on December 5 mentioned in his statement about the Accused Taha Yassin Ramadan:

1. After asking the complainant by the general prosecutor about who razed the orchards and the houses, the complainant answered that the Accused Taha Yassin was the one who did it by himself as he supervised the razing operation and we have five orchards that have been razed too and he demanded moral and financial compensation and when the complainant was asked by the defense attorney of Taha Yassin Ramadan about the manner in which the Accused arrived to the area with so many military people in that area at the time and there was a major government member referring to Taha Yassin Ramadan and also how did the razing of the trees happen at the same time that the other events were happening and how did the heavy equipment and bulldozers arrive on the next day and started demolishing houses and razing the orchards. The complainant answered that he was in prison and he did not see this but the presence of the Accused Taha Yassin was well known in the area and that the razing happened four months after our arrest and not the very next day after the incident as the defense lawyer mentioned. The complainant mentioned that he saw the Accused Taha Yassin Ramadan with other officials when he was arrested one day after the incident and the complainant raised a complaint against the Accused Taha Yassin.

Complainant-Jawad Abdul Aziz Jawad/and the court session held on Dec. 5th, stated the following about the Accused Taha Yassin:

1. The complainant stated that in Oct. 1982 dozens of bulldozers razed the orchards and they started from the west side; and on the 11th of Oct. 5 of our orchards were razed and 3 pumps were buried with the wells and the crops of 3 months were destroyed and 4 of our houses that belonged to my brothers were demolished; and I saw the Accused Taha Yassin as my father and I were in a small land of ours and some of the popular army men called us so my father talked to Taha Yassin and the latter asked him "what is this?" My father answered him "this is a garden and not an orchard and it belongs to me and the other one is my brothers and he is an officer in the army and has a war injury." The Accused Taha Yassin said "leave this garden and he was leaning on a stick and 5 months later this one was razed too."
2. He also mentioned that some individuals of the popular army were the ones who were shooting to express their joy for the visit of Saddam to Dujail.
3. The complainant mentioned that the Accused Saddam Hussein visited the Dujail again and went up the roof of the police station and said "I did not order that so much of these orchards should be razed, but the brothers may God forgive them expanded it."
4. The complainant raised a complaint against Taha Yassin and asks for moral and financial compensation for the damage.
5. The complainant mentioned that he saw the Accused Taha Yassin in Dujail.
6. When asked by the prosecutor: who razed the orchards? The complainant answered that was upon an order from the resolution command council (Saddam Hussein) and under the supervision of Taha Yassin Ramadan and many members of the popular army and all of the Baathists in Dujail.
7. When asked by the defense lawyer Khalil Al-Dulaimi how were you able to recognize Taha Yassin when you were only 10 years old for you have mentioned that you saw him and that he was there? The complainant answered: I have seen him and I knew him well because I used to see him on T.V. and also because they informed my father that Taha Al-Jazrawi wants you and I saw him myself.

Complainant/Referred to with the letter C when called upon in the court session on December 6, 2005 stated the following about the Complainant Taha Yassin: when the prosecutor asked him who razed the orchards and demolished the houses in Dujail? The complainant answered: that he was in the prison at that time but I heard after we were released that Taha Yassin and the party members were the ones who did it.

Another complainant referred to with the letter D in the court session held on December 6, 2005 stated the following about the Accused Taha Yassin:

1. To a question by the court: were your orchards razed or not? The complainant answered: I don't have any orchards but the orchards in the area were razed.
2. In another question by the complainant of the prosecution attorney: did you see the razing of the orchards yourself? The complainant answered: Yes as I was in the military and I came to visit my family in Dujail after the incident and I was not able to identify my house because all houses looked like the desert and people told me that my house was next to the police station so I thought that I could identify it but I could not.

Another complainant referred to with the letter C in the court session held on January 29, 2006 stated the following about the Accused Taha Yassin: The complainant raised a complaint against the Accused Taha Yassin "because he razed the orchards that belonged to us"

The other protected complainant referred to with the letter E when referred to in the court session on December 6, 2005 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that the ones who did the shooting on the day of the incident were members of the popular army.
2. The complainant also mentioned that when he was released from the Laya Prison in the desert he found that his house had been robbed and the money that was in it which was 44,000 Iraqi Dinars was stolen in addition to nine motors that were stolen from his orchards knowing that members of the popular army and others used to enter his house whenever they wanted and they razed his orchards and demolished its walls.
3. The complainant mentioned that "the popular army killed nine people. I saw their dead bodies thrown away and when I turned myself in the next day after the my family was arrested and among those who were killed was my son and another one who was the son of Jasim Ridha Al-Hatto and another person who was Faris Ibn Muhammed Hadi and I could not recognize the other ones who were killed because their bodies were mutilated and all of these nine killed ones were killed in the eastern orchards and these were owned by Khazraj and I did not see them get killed but I saw their dead bodies.

The other protected complainant referred to with the letter A in the court session held on February 2, 2006 stated the following about the Accused Taha Yassin: Having been asked by the lawyer who was assigned for the complainant: Why are you raising a complaint against the Accused Taha Yassin? The complainant answered because when I returned back to Dujail, the residents of Dujail informed me that it was him who razed the orchards.

Another protected complainant referred to with the letter F when called upon in the court session held on December 7, 2005 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that he raises complaints against Taha Yassin because he had razed the orchards in Dujail, keeping in mind that at the time of the razing of the orchards this person was in jail and he said that he heard from the residents of Dujail after he was released that the Accused Taha Yassin was the one who did it and he asks for moral and financial compensation.

2. When asked by the defense attorney for Taha about how he heard that the orchards were razed and who were the people who said that to him? The complainant answered I heard that from the residents from Dujail and in particular from Jawad Aziz Jawad and many of the residents of Dujail but he was unwilling to mention their names for security reasons.

The complainant Ali Hassan Muhammed Al-Haidari in the court session held on December 21, 2005 stated the following about the Accused Taha Yassin:

1. In his statement he mentioned that he saw the presence of the popular army as they took their places all over the city and that was on the day of the incident.

2. The complainant mentioned that on the Friday that followed the incident "intelligence agents broke into our house and they were wearing civilian clothes and they had with them members of the popular army in addition to others from the regular army".

3. He also stated that a force made up of members of the popular army and the guards broke into our house as we were in the house: 6 boys, 4 girls, and my father and my mother and they arrested us all and that was on Friday which was the day after the incident in the afternoon.

4. The complainant also stated that "after our release on April 22, 2006 we found out that the town had changed as the orchards had already been razed and cut months after our arrest for they brought in bulldozers and the residents of Dujail saw the Accused Taha Yassin telling them (the drivers) "Destroy the birds' nests so they will not be able to go back to their nests."

5. The complainant raises complaints against Taha Yassin because he was the one who razed the orchards.

The other protected complainant referred to by the number 1 in the court session held on December 21, 2005 stated the following about the Accused Taha Yassin:

1. On the day of the incident a number of cars and members of the popular army arrived.

2. The complainant mentioned that "on the day of the incident after 4pm, the security officer Abu Ahmed and with him Mishaan Daham came to my house and took me to the

special headquarters of the guards of the popular army and a person named Abu Nabil interviewed me.

3. The complainant raises complaint against Taha Yassin and when the court asked him: why do you raise a complaint against him, the complainant answered that he was present with him, and he [Taha] was the one who razed the orchards in Dujail.

4. And in a question from the attorney Majid Haddad to the complainant: What was the nature of the complaint against the Accused Taha Yassin? The complainant answered when the orchards were razed, the complainant Taha was present and with him were the rulers of Dujail.

The protected complainant referred to by the number 4 in the court session held on December 22, 2005 stated the following about the accused Taha Yassin:

1. That 20 days later my whole family was arrested by the security men and members of the Baath Party and the popular army and we were taken to the police station in Dujail and I was put in a room with another family and then we were taken to the Intelligence Service

2. The complainant also mentioned that after they returned back to Dujail they found that the orchards and lands were razed and in the orchards was a house that contained things and a burnt motor and the water supply was cut off from it and we found it all burnt out and this happened within four years.

The protected complainant referred to with the number 3 in the court session held on December 22, 2005 stated the following about the Accused Taha Yassin:

1. Our possessions of all types had been confiscated and our house was demolished and our orchards were razed as I saw the orchards being razed by bulldozers under the protection of the popular army with my own eyes and I raised a complaint against Taha Yassin because he was in charge of the popular army.

2. And in a question from the court to the complainant: Did you see the orchards being razed? The complainant answered yes I saw them because I was inside the house.

3. In another question from the court to the complainant: when did the razing happen, in months and days? The complainant answered I don't remember the months and days but I only saw the bulldozers razing the orchards and that happened after the incident.

The complainant referred to by the number 5 in the court session held on December 22, 2005 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that he raises a complaint against Taha Yassin because "he was the one who razed our orchards and our houses and we knew that through the people

of Dujail who told us that the popular army razed the orchards and that Taha Yassin supervised them"

2. When asked by the Accused Taha Yassin through the court about the relationship between the popular army and the razing of the orchards, the complainant answered: the popular army was protecting the people who were razing the orchards.

The protected complainant who was referred to by the letter B in the court session held on February 1, 2006 stated the following about the Accused Taha Yassin:

1. That after the arrival of Saddam Hussein to Dujail "we heard gunshots and after half an hour we went out to the streets and saw the popular army..."

2. The complainant mentioned that "on the same day of the incident forces from the republican guards and popular army knocked on our door and entered the house and arrested my father and brother"

3. The complainant also mentioned that the ones who arrested people were the popular army.

4. The complainant mentioned "our orchards were razed and I raised complaints about the Accused Taha Yassin"

The lady complainant referred to by the letter A in the court session held on January 29, 2006 stated the following about the Accused Taha Yassin:

1. The complainant raises a complaint against Taha Yassin

2. The complainant mentioned when asked by the accused Ali Dayih Ali did the complainant see him during the incident and what was her complaint? The complainant answered that he was in charge of the popular army and he came with them.

3. The complainant mentioned that she was given the keys to the house when they came back by Yunis Al-Samarai who used to be the security officer of Dujail and also Abu Nabil who was in charge of the popular army then.

Another protected lady complainant referred to by the letter B in the court session held on January 29, 2005 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that the popular army and the police were the ones who arrested us and sent us to the intelligence after we stayed in the police station for five days.

2. In a question in a court to the complainant: who arrested you? The complainant answered "the republican guards and the popular army and others whom I don't know were the ones who arrested us"

The protected complainant referred to by the letter B in the court session held on February 2, 2006 stated the following about the Accused Taha Yassin:

1. In a question from the defense attorney to the complainant: Did you see Taha Yassin on the Tel Maskeen? The complainant answered I didn't see him with my eyes as I was in the military.

2. In a question from the prosecution attorney to the complainant: who arrested you, what were their clothes like, and what did they look like? The complainant answered two people from the intelligence and with them Abu Ahmed and Abu Nabil and a person who was covering his face wearing traditional clothes.

3. The complainant mentioned that he raises complaint against Taha Yassin because he is the one who razed the orchards and was standing on the Tel Maskeen.

The protected complainant referred to by the letter A in the court session held on February 1, 2006 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that she saw the Accused Taha Yassin wearing military uniform and carrying a gun where he supervised the razing of the orchards "and we have nine orchards that had been razed"

2. In a question from the defense attorney who was assigned to the complainant did you see the Accused Taha Yassin razing the orchards? The complainant answered: Yes I saw the Accused supervising the razing of the orchards and he is a person who is known to all people and at the time he was wearing a military uniform and had a beret over his head.

3. In a question from the defense attorney who was also assigned for the complainant that she mentioned that Taha was the one who razed the orchards so where did she see him? The complainant answered I saw him in an area called Tel Maskeen in Dujail and he was supervising the razing of the orchards.

4. In another question from the attorney assigned for the complainant: what was the distance between you and the Accused Taha when you saw him razing the orchards? The complainant answered: I cannot give an accurate estimation but due to my work as a farmer working in orchards and collecting wooden logs I saw the aforementioned Accused.

The protected complainant referred to by the letter C in the court session held on February 1, 2006 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that when Saddam Hussein came to Dujail we became a war front and the forces of the popular army and republican guards were deployed.
2. The complainant raised a complaint against Taha Yassin.

The protected complainant referred to by the number 8 in the court session held on February 1, 2006 stated the following about the Accused Taha Yassin:

1. The complainant mentioned that on the day of the incident the popular army and the republican guards were deployed everywhere in Dujail, and Dujail became a military area and the complainant at the time was on guard duty for the popular army on the street opposite the party headquarters.
2. The complainant mentioned that the Accused Taha Yassin gave orders to raze the orchards and the order was also to arrest the residents of Balad and Dujail and to raze their orchards and they set up security entrances to the area and the one who supervised all of that was the Accused Taha Yassin.
3. The complainant mentioned that the person who was in charge of the popular army in Dujail was Ahmed Ibrahim Al-Hasoun.
4. And in a question from the prosecution attorney to the complainant about the role of the popular army in the events of Dujail and whether they participated in the process of arresting families or anything of the sort? The complainant answered that the Accused Taha Yassin ordered sending fighters to protect the equipment that razed the orchards.
5. And in a question from the defense attorney assigned for the complainant: Did you see the order in which Saddam Hussein ordered razing the orchards in Dujail? The complainant answered: yes and it was issued by Taha Yassin for the purpose of razing the orchards.
6. The complainant confirmed that the Accused Taha ordered razing the orchards and used to meet the engineers and one of them was Thannoon who used to meet with them for the purpose of razing the orchards.
7. The complainant raises a complaint against Taha Yassin.

A summary of the statements given by those Accused in this trial regarding the Accused Taha Yassin Ramadan

A summary of the statements given by the Accused Barzan Ibrahim during interrogation regarding the Accused Taha Yassin Ramadan

Among the things mentioned in the statement of the Accused Barzan Ibrahim Al-Tikriti during interrogation on January 25, 2005:

Q: A question from the interrogation committee from the Accused Taha Yassin. "A committee was formed and was headed by the Accused Taha Yassin Ramadan with a direct order from the Accused Saddam Hussein to study the conditions of the families of Dujail and the area of Dujail and the representative of the Intelligence Service and this committee was Muhammed Olaiwi who used to hold the position of chief of staff at your office at that time. Do you have any information about this?"

A: "Yes I have information about this. A committee was formed upon the order of the Accused Saddam Hussein who used to be the head of state at that time and this committee was headed by the Accused Taha Yassin Ramadan and its members were the director general of General security at that time and Muhammed Olaiwi the representative of our department in the committee who used to hold the position of chief of staff at that time.

An appendix to the statement given by the Accused Barzan during interrogation regarding the Accused Taha Yassin Ramadan

As for what happened later in Dujail a committee was formed as I remember and I think it was headed by the Accused Taha Yassin Ramadan who used to hold the position of Deputy Prime Minister and its members were the Head of the General Security Service, the deceased Fadhil Al-Barrak, a representative of the Intelligence Service at that time. This committee was concerned with the Dujail case and was formed for this purpose in particular. As for the nature of its specialty and the duration of its work and the tasks that were assigned to it, I have no idea and I was not informed about it but I am sure that this committee was formed and was headed by the Accused Taha Yassin and that one of its members was Fadhil Al-Barrak.

A summary of the statement given by Barzan Ibrahim during the court proceedings regarding the Accused Taha Yassin.

Among the things mentioned in the statement given by the Accused Barzan Ibrahim during the proceedings of the court in the court session held on March 15, 2006:

Q: A question from court to the Accused Barzan. In your statement it was mentioned that you had a minor role or that you had no role at all and that Fadhil Al-Barrak had a major role since he used to be the director general of General Security and I think he was a member along with Taha Yassin Ramadan in the matter of razing orchards and that the General Security Service often used the name of the Intelligence Service. Elaborate on this.

A: The Accused Barzan Ibrahim answered "what was said is correct with the exception of what was mentioned regarding Taha Yassin Ramadan because he was not present"

Q: A question from court to the Accused Barzan Ibrahim. Was this statement when your attorney was present and he did not read it?

A: The answer of the Accused Barzan Ibrahim verbatim "I personally read the statement and the name of Taha was not present"

Q: From the prosecution attorney to the Accused Barzan Ibrahim: It was mentioned in your statement that there was a committee headed by Taha Yassin Ramadan and its members were Fadhil Al-Barrak and Muhammed Olaiwi representing the intelligence and chief of staff at the Intelligence Service?

A: The Accused Barzan Ibrahim answered verbatim "No, there was never such a committee and it did not decide anything."

A summary of the statement given by the Accused Saddam Hussein to the interrogation committee on June 12, 2005 regarding the Accused Taha Yassin Ramadan

Q: From the interrogation committee to the Accused Saddam. It was mentioned in the statement given by the Accused Taha Yassin Ramadan that you phoned him and asked him to meet with the Security Services responsible for the investigation the next day after the incident and to see how things were happening and to offer advice and keep them informed about the development of interrogation in the city.

A: Verbatim "If the comrade Taha Yassin Ramadan had said this then he must have told the truth."

Q: From the interrogation committee to the Accused Saddam Hussein. "Two months after the incident in Dujail, Taha Yassin Ramadan was seen with a large number of engineers and equipment and they razed the agricultural lands and they cut the orchards in the city. Who ordered that?"

A: The court can direct the question to comrade Taha Yassin Ramadan to answer it. But for me I don't remember that I ordered him to do anything like this.

Q: You are accused of issuing orders to Taha Yassin Ramadan regarding razing agricultural lands in the area of Dujail and cutting orchards?

A: "I don't remember having made such an order."

A summary of the statement given by the Accused Muhammad Azzawi during interrogation regarding the Accused Taha Yassin Ramadan

1. Appended to the statements given by the Accused Muhammed Azzawi Ali Al-Marsoomi to the interrogation committee on May 25, 2005 in which he talked about the Accused Taha Yassin Ramadan and in which he said verbatim "that the one who is

responsible for the matter of cutting the orchards and the agricultural lands at that period because one day I saw the Accused Taha Yassin Ramadan supervising this operation in addition to Ahmed Ibrahim Al-Samarai as he was standing near the area of Tel Maskeen.

2. Also in the statement of the Accused Muhammed Azzawi Ali as for the razing of the agricultural lands I saw the Accused Taha Yassin Ramadan with the party member who was in charge of that area at the time Ahmed Ibrahim Hasoun and they were all supervising this operation. As for my seeing Taha Yassin Ramadan, it was only by accident when I was going to my orchard in the area.

A summary of the statement given by the Accused Muhammed Al-Azzawi during the court proceedings regarding the Accused Taha Yassin Ramadan

The statement given by the Accused Muhammed Al-Azzawi to the court on March 13, 2006:

Q: from the court to the Accused "which of those accused in this trial who are present in court did you see then?"

A: The Accused answered "I mentioned in my statement to the interrogation judge that I saw Taha Yassin Ramadan near Tel Maskeen and when I came here I told the attorney that I didn't see him because he looked different from the person I saw."

Q: From the court to the Accused "didn't you know the person (Taha) before the incident?"

A: The Accused answered "No I didn't know him before the incident. I did not concentrate on him."

Q: From the court to the Accused. The following was mentioned in your statement "I saw the Accused Taha Yassin Ramadan with the party member who was in charge of that area at that time and they were supervising the razing process." Clarify that to the court.

A: The Accused answered as I mentioned earlier I did not see Taha Yassin Ramadan and I saw someone else.

Q: From the court regarding the razing of the orchards and lands: what did you see?

A: The Accused answered, yes I saw the bulldozers when they razed the orchards that belonged to me and there were three orchards of them.

Q: From the court, did you see any units that belonged to the popular army?

A: Yes I saw units of the popular army and they were from outside the Dujail area and they escorted the bulldozers as they were razing the orchards, for fear of clashes with the residents of Dujail.

A summary of the statements given by the Accused Ali Dayih Ali during interrogation regarding the Accused Taha Yassin.

The statement given by the Accused Ali Dayih Ali during interrogation on May 25, 2005

The following was mentioned verbatim in his statement regarding Taha Yassin Ramadan: "as for the razing of the agricultural lands and the demolishing of the houses I did not participate in these operations but I believe that they were razed upon an order from Taha Yassin Ramadan as he was seen by some people in the area."

A summary of the statement given by Ali Dayih Ali during court proceedings on March 12, 2006.

1. It was mentioned in his statement verbatim "I did not participate in the razing of the orchards"

Q: A question from court "it was mentioned in your statement regarding the razing of the agricultural lands and the demolishing of the houses I did not participate in this operation but I believe they were razed upon an order from the Accused Taha Yassin Ramadan as he was seen by some people in the area. As for the arresting operations these were carried out by the party and some party members that I remember were so and so. Clarify this.

A: He answered "I did not participate in razing the orchards and the orchards of my father had been razed and there were two of them. As for the Accused Taha Yassin, I did not see him but I heard he was present and the supervising the razing of the orchards was under protection fearing clashes with the residents of Dujail"

Q: A question from court. Who did you see of those Accused in this trial other than the Accused Taha Yassin?

A: He answered I didn't see the Accused Taha Yassin, and I don't know the Security Services that were present in Dujail because there were forces from private guards and the popular army as well as party members who were headed by the person in charge of the party Ahmed Al-Samarai, and I didn't see anybody.

Q: In a question from the prosecution attorney to the Accused Ali Dayih "Since you were present near the door of the building of the party, which government figures were you able to see?"

A: He answered I didn't see, but I heard that Barzan was present and so was the Accused Taha Yassin Ramadan supervising the razing of the orchards.

Q: A question from the prosecution attorney to the Accused "What did you see regarding the orchards and how were they razed and what was your role?"

A: He answered "I did not participate in razing the orchards and the director of the county Jasim Al-Nuaimi brought bulldozers to raze the orchards and I did not see the razing operations. I only heard from people that they were razed by the Accused Taha Yassin but did not see it."

A summary of the statement given by the Accused Mizhir Abdullah Kadhim Ruwaid to the interrogation committee on February 21, 2005

It was mentioned in his statement about the Accused Taha Yassin:

1. In a question from the court to the Accused it was mentioned in the statements of the complainants (...), (...), (...), (...) and others that you arrested them along with the security forces in the area and you brought them to the building of the party and then they were deported to Baghdad and they were put in prison with their families from 1982 to 1986?

The Accused answered : I did not participate in the arresting operation but regarding the razing of the lands and the cutting of the trees I was assigned by the party leadership in the area and upon an order from the Accused Barzan Ibrahim that was delivered to us through the party to escort the bulldozers and graders and other equipment for the purpose of cutting and razing the lands and I did go with the bulldozers that carried out the operation and during the razing of the agricultural lands, the Accused Ahmed Ibrahim Al-Samarai Abu Nabil was directly supervising the operation and I escorted one of the bulldozers and my duty was to raze the lands of Hussein Al-Humaidan and Kadhim Al-Humaidan.

2. In another question to the Accused, you worked at the post office and your position at the party was not of a member and the party duties were political duties, whereas your job was a civil job, so what was your relationship with this, keeping in mind that it was a political duty or action.

The Accused answered: Yes I was ordered by my party superior and in accordance with the directives with the higher authorities and I had to carry out this order because I was afraid of not carrying it out despite the fact that I knew that this was against the law, but I still had to carry it out of fear for myself.

3. In an answer to a question from the civil defense attorney, the Accused Mizhir Abdullah Kadhim answered during the court proceeding on March 12, 2006 "the members of the popular army were from outside the area"

A summary of the statement given by the Accused Abdullah Kadhim Al-Ruwaid during the court proceeding on March 12, 2006

The following was mentioned in his statement about the Accused Taha Yassin:

1. In a question from the court to the Accused: you mentioned in your statement to the interrogation judge that you were a member of the popular army in Dujail, so who was the leader of the popular army?

The Accused answered: The leader of the popular army is Tariq Al-Tikriti Abu Zeyad and he was a senior party member and the head of the youth union in Tikrit.

2. In another question from the civil defense lawyer to the Accused, one of those Accused in this trial mentioned that the Security Service asked the party authorities in the popular army from outside Dujail for help?

The Accused answered: Yes I mentioned this when the prosecution attorney asked me and the popular army was present outside Dujail and I don't know where those security units came from.

A summary of the statement given by the Accused Taha Yassin Ramadan during interrogation on February 9, 2006 to the interrogation committee

1. The Accused mentioned that Saddam Hussein asked him to go to the headquarters of the national assembly to meet the Security Service officers and that was on Friday and I did go there and I found Fadhil Al-Barrak and another person from the Intelligence Service and the directive I received from the Accused Saddam Hussein was to listen to what the security officers say and to give them my notes if I had any and I didn't have any at the time and I did not issue any formal document regarding this. It was only a directive and that was all I had to do with this.

2. It was mentioned in the statement given by the Accused Taha Yassin Ramadan that I did not go to the area neither at the time of the incident nor after it and I did not meet the Accused Barzan Ibrahim during that period nor after it and I did not issue any order to cut or raze the agricultural lands and I don't know about the authority that performed that act and this was never discussed in the Ministers' Council and there may have been orders issued in this concern by higher authorities.

3. "I heard that those who carried out the assassination attempt were people who belonged to the Daawa Party"

4. I have no authority over the Security Service officers. I just listen to them and that service received orders only directly from the Accused Saddam Hussein since they are linked directly to the office of the head of state.

5. "The assassination attempt did not result in any victims."

An appendix to the statement given by the Accused Taha Yassin during interrogation on August 28, 2005

I have no idea who razed the lands and the authority that is specialized with the likes of the Dujail incident (the assassination attempt) is the general Security Service unless there was an order from a different authority.

A summary of the statement given by the Accused Taha Yassin during the court proceeding held on March 14, 2006

1. I was not assigned to do anything in this case and I had no role whatsoever and the testimony given by Waddah Al-Sheikh is false as I was not asked to do anything by Saddam Hussein and he did not ask any member in the leadership nor in the Ministers' Council including the Minister of the Interior.
2. I neither visited the location in Dujail the next day after the incident nor the day after that.
3. I was not assigned to head the security committee that was formed and I did not issue any orders to the members of the popular army in the Dujail incident and the popular army had no role in it because it was only a local formation and the party member in charge in the area is the one who issues orders and my duty was to form units and send them to the warfront of the war with Iran.
4. The Accused mentioned that all that happened on the day of the incident was “I was at my home in Baghdad and Saddam Hussein called me in the afternoon and told me that his procession was attacked on that day in Dujail and that if I wanted to know more about the details being the first deputy, you should know and you can go to the Hamurabi Building which is the building of the national assembly where the director of general Security Service along with others are coordinating with the other services and I did leave my house and go to the headquarters of the national assembly.
5. The Accused mentioned that what happened regarding the razing of the orchards in Dujail as a result of what happened earlier was a normal thing and that it is the state’s right to do this as long as there is general benefit or necessity to confiscate the orchards or institutions or real estate with appropriate compensation.
6. The Accused Taha Yassin Ramadan mentioned that the popular army in Dujail or Ballad was under the authority of the party members in charge in that area and that Ahmed Ibrahim Al-Samarai was in charge of the popular army in Dujail and he used to give the members of the popular army tasks to stand guard on the institutions and equipment that belonged to the state and they didn’t have the right to take the decision to raze the orchards and that such a decision is issued by the revolution command council and that the other services of the state carry it out and that the popular army as you know is part of the party and is led by the party members inside the province.
7. The Accused mentioned that protecting the equipment by the popular army was decided by the party member who was in charge in the area.

8. The Accused Taha Yassin Ramadan mentioned that the only authority that could assign any task to me in addition to the ones I already have is Saddam Hussein and that any other allegation is false and not true.

9. The Accused said that in his point of view the people who acted against those who carried out the assassination attempt (Saddam Hussein) in the incident in Dujail were not guilty and they were only doing their job.

10. The Accused mentioned after being asked by the defense attorney for the complainants: I do not deny that I was the general leader of the popular army and I'm honored to say that and I think that the popular army is the most honorable militia.

A summary of the statements given by the defense attorney for the Accused Taha Yassin Ramadan

Witness number 6, date of testimony, March 17, 2006 stated that he did not see Taha Yassin Ramadan in Dujail when the orchards were razed.

Witness number 2, date of testimony, March 30, 2006 stated that he had lived in Dujail all his life and he ruled out the presence of Taha Yassin there and that he got compensation for his land which was confiscated and that the compensation was larger than the real value of the land. The witness also stated that those who were allegedly killed in Dujail came back from Iran on the tanks of the American invasion and he indicated that he received compensation with the value of 1,800 Iraqi Dinars for one acre of land and that most of the destroyed lands were later reformed and improved. The witness also said that he had seen the general prosecutor Jafar Al-Mosawi during a funeral in Dujail on July 18, 2004.

Witness number 2, date of testimony in the session of March 30, 2006 said that he did not see Taha Yassin Ramadan in Dujail.

Witness number 5, date of testimony: the session of March 31, 2006 stated that he hadn't seen Taha Yassin Ramadan in Dujail at all and the witness was a member of the popular army in Dujail and he said that the duty of the popular army was to search the orchards and that the popular army did not search the houses.

Witness number 1, date of testimony: the session of June 6, 2006 stated that he was a member in the Security Service (the body guards) who escorted Barzan during his visit to Dujail on the day of the incident and he did not see Taha Yassin because he was not there.

Witness number 2, date of testimony the session of June 6, 2006 stated that he was within the body guard team of Barzan Ibrahim and that Taha Yassin was not there.

The protected defense witness, referred to by the number 3 and who gave his testimony on the session of May 31, 2006 stated the following about the Accused Taha Yassin:

1. I was one of the fighters in the popular army at the time of the incident and my commander came to me and told me consider yourselves on duty (under alert) and with us was a member of the Security Service in the area where orchards were searched in Dujail and I with a group of fighters and members of the Dujail Security Service searched the orchards and the witness added that the security men's duty was to search the houses and our duty was to search the orchards.

2. In a question from the defense attorney for the Accused Taha Yassin to the witness: Was the role of the popular army restricted to the Dujail area since you are one of its members? The witness answered: I have worked in the popular army and participated in the warfront and the Accused Taha Yassin Ramadan saw us off when we were heading to the warfront and that was not in Dujail but it was in the military camp where I had my military training course.

3. In another question from the defense attorney to the witness: Do you know the Accused Taha Yassin? The witness answered: yes I know him because he had seen us off at the units of the popular army three times and I shook hands with him and met him at a very close distance.

4. In another question from the same attorney to the witness: Did any members of the popular army come to Dujail other than those who had already been there? The witness answered: No, we as a unit in Dujail were assigned to search the orchards.

5. In a question from the prosecution attorney to the witness: What was your status regarding military service? The witness answered: I joined the popular army because of the military service because those who serve in the popular army do not have to do military service and I served in the popular army until I was dismissed from the party when I was convicted and later I joined the military service.

The available evidence in the trial against the Accused Taha Yassin Ramadan

1. The following was mentioned in the statement given by Taha Yassin Ramadan to the interrogation committee which consisted of three judges and in the presence of his attorney Majid Haddad Halloom and in the presence of the general prosecution attorney on February 9, 2005:

2. "The Accused Saddam Hussein who used to hold the position of head of the state at that time called me and told me that he had been attacked in Dujail and asked me to go and meet the Security Service officers and informed me that he ordered them to go to the national assembly and I did go there and found Fadhil Al-Barrak who used to hold the position of the Head of the General Security Service and who was executed later for other reasons. I also found a person whose name I don't know and who told me that he

represented the head of the Intelligence Service and he told me that the head of the Intelligence Service had gone to meet Saddam Hussein with two or three other people that I cannot remember and the duty that was assigned to me was to listen to what the security officers say and to give them my notes if I had any instructions.

3. The following was mentioned in the statement given by the witness Waddah Al-Sheikh during the interrogation on January 25, 2005. “At that time a committee was formed and was headed by the Accused Taha Yassin Ramadan and the service was represented in that committee by Muhammed Olaiwi who was the chief of staff at the Intelligence Service to deal with the issue of Dujail since it was a very serious matter and one of the suggestions that were put forward by the Accused Taha Yassin Ramadan was to cut the trees and the orchards to a distance of one to three kilometers in all directions and this suggestion was carried out upon orders from the Accused Taha Yassin Ramadan and the orchards and trees in Dujail were later cut and razed and this committee also took them into custody (he means the residents of Dujail) in the area of Nugrat Al-Salman, south of Samawa in camps that were prepared for them knowing that until now, and this was said in 1984, none of them were referred to court and in particular in February 1984 so the people from the families of Dujail were kept in custody from 1982 until I left the Intelligence Service in February 1984 when they were sent to the camp that was prepared for them but which I did not see as I was informed that they would be imprisoned in Nugrat Al-Salman and this order was from the committee that was formed and was headed by the Accused Taha Yassin Ramadan and I think that the order was between Taha Yassin Ramadan and Saddam Hussein. As to the issue of cutting the lands and the orchards, this was Taha Yassin Ramadan’s.”

4. The same witness Waddah Al-Sheikh stated to a committee that consisted of three judges from the first criminal court when he was at the military hospital in Abu Ghuraib on October 23, 2005 and his statement was read in court on October 28, 2005, said that “as for the role of the Accused Taha Yassin Ramadan at first he had no role but a committee was formed and was headed by him one month later and whose main role as far as I remember was to raze or uproot the orchards in Dujail and Ballad. As for the other role for that committee, that had to do with the families in custody and I don’t know the details of that. And one of the members of the committee was Muhammed Olaiwi and Sadoun Sabri and as we said earlier the witness Waddah Al-Sheikh was the director of the interrogation and investigation department in the Intelligence Service and Muhammed Olaiwi was the chief of staff in the office of the Accused Barzan Ibrahim at that time.

5. The following was mentioned in the statement given by the Accused Barzan Ibrahim and which was transcribed by the interrogation committee that consisted of three interrogation judges and in the presence of his attorney and in the presence of the general prosecution attorney regarding the Accused Taha Yassin Ramadan. “Yes, I have information and this concern that there was such a committee and it was formed upon an order from the Accused Saddam Hussein who used to hold the position of head of state at that time and this committee was headed by the Accused Taha Yassin Ramadan and its members were the director of General security and Muhammad Olaiwi who represented

our department at the committee and who used to hold the position of the chief of staff at my office at that time.

6. The Accused Barzan Ibrahim repeated the same information stated above and he reaffirmed it when the appendix to his statement was transcribed during the interrogation stage.

7. The statements given by a large number of the complainants and the prosecution witnesses and even the statements of some of the defense witnesses for the Accused Taha Yassin Ramadan emphasized that the members of the popular army participated in arresting the families in Dujail and surrounding the city with the military forces and security forces and in searching houses.

8. Part of the statement given by the Accused Muhammed Azzawi during interrogation on May 25, 2005 included the following quote “the one responsible for the matter for cutting the orchards and the agricultural lands during that period as one day I saw the Accused Taha Yassin Ramadan supervising this operation in addition to Ahmed Ibrahim Al-Samarai as he was standing near the area of Tel Maskeen.

9. The statement given by the Accused Saddam Hussein to the interrogation committee on June 12, 2005 when he was asked about what was mentioned in the statement given by Taha Yassin Ramadan regarding the phone call that the Accused Saddam made to him and asking him to meet with the security authorities responsible for the interrogation, etc, the Accused Saddam answered the following “if the comrade Taha Yassin had said this then he must have said the truth.”

10. What was stated in the answer given by the Accused Ali Dayih to a question from the general prosecution attorney during the court proceedings on March 12, 2006 “I did not see but I heard about the presence of Barzan and also that the Accused Taha Yassin Ramadan was supervising the razing of the orchards.”

11. The audio recording between the Accused Taha Yassin Ramadan and the Accused Saddam Hussein that the court listened to and in which the Accused Taha Yassin Ramadan informs the Accused Saddam Hussein that the razing of the orchards was in two stages, the first was to raze one kilometer and a half around the city and that it was going to become a white area...and that the culprits will be identified by the security authorities and that they will not be compensated and that their names will be decided upon and so will the names of those who will be compensated and that the areas that will be given to them will also be decided upon and that he was going to send the Accused Saddam Hussein a list of all that was mentioned earlier. This audio recording was listened to by the court on April 24, 2006.

12. Satellite imagery that compares the Dujail area between September 1982 and September 1983. This photograph which shows the Dujail area before razing and after it shows the level of destruction that hit the area and the marks that were left by the former

Baathists regime through their destruction and razing of the orchards and fields that surrounded the city of Dujail.

13. The document that was issued by the Intelligence Service, dated on August 30, 1984 and addressed to the national security office secretariat and its subject was (the imprisoned residents of Dujail and in which there was reference to the order given by the vice president number 2/6/8750 on July 29, 1984 to arrest 26 people from the areas of Dujail and Ballad who have finished their military service) this document was shown to the court on March 13, 2006.

14. The document presented to court, numbered 14446 on November 29, 1984 and the memo dated November 20, 1982 and the letter that was hand written by the Accused Taha Yassin and his signature dated December 10, 1984 that was addressed to Ahmed Hussein Khudhayir chief of staff at the president's office (dissolved) and in which the Accused Taha Yassin admitted that the handwriting and signature were his.

15. The resolution by the revolution command council (dissolved) numbered 1283 on October 14, 1982 and the resolution by the revolution command council (dissolved) numbered 100 on January 23, 1985.

The extent to which the Accused Taha Yassin Ramadan is criminally responsible for the crimes against humanity within the Indictment against him

On May 15th, 2006 this court charged the Accused Taha Yassin Ramadan with participating and committing a number of crimes against humanity that were indicated in article 12/1st in the high Iraqi criminal law. These charges included the following crimes:

1. Willful killing
2. Deporting people or transferring them by force.
3. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.
4. Torture
5. Enforced disappearance of persons
6. The other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to the mental or physical health.

Following is a discussion of the extent to which the Accused Taha Yassin Ramadan is criminally responsible for those crimes under article 15/1st, 2nd, 3rd, and 4th of the Court's Law and also under the articles 47-54 and the penal law numbered 111 for the year 1969. And this follows what was mentioned in article 15/2nd in the Court's Law in which it was mentioned that “the person is considered responsible according to this law and to the rulings of the penal law if he does the following...” and we will start with the charge against the Accused Taha Yassin Ramadan concerning Imprisonment or other severe deprivation of physical liberty as a crime against humanity for the reasons that we will mention later when we discuss the extent to which the Accused Taha Yassin Ramadan is

criminally responsible for this crime but before that it has to be mentioned that there are questions that have to be asked regarding the extent to which the Accused Taha Yassin Ramadan is responsible for this crime (imprisonment and extreme deprivation of physical freedom) as a crime against humanity and the other crimes of which he is Accused and are mentioned in the Indictment and these are the following: 1. Is the razing of the orchards and the confiscation of the lands a criminal act in the Iraqi law and the international law?

2. Did the Accused Taha Yassin Ramadan supervise the operations of razing the orchards and did he have a role in the confiscation of the lands in Dujail or did he order that? Or did he have any criminal participation of any kind?

3. Did the Accused Taha Yassin Ramadan issue an order to arrest the people of Dujail and to imprison them or torture them or kill them? Did he supervise that? Did he assist or instigate or encourage that? Did he overlook that? Did he participate in carrying that out in any way?

4. Did the popular army or any of the members of the Baath party in Dujail participate in the arresting operations or those of detainment or imprisonment or torture or murder or razing orchards in any way against the people of Dujail?

5. Was the Accused Taha Yassin Ramadan the head of a committee that was formed upon an order from the Accused Saddam Hussein on the day of the incident and which had a meeting in the national assembly on that day?

6. Was the Accused Taha Yassin Ramadan a member of the National Security Council? What was the structure of this council? What was he authorized to do?

7. Did the Accused Taha Yassin Ramadan have legal control or de facto control over the members of the popular army?

8. Did the Accused Taha Yassin Ramadan know that the actions that are attributed to him were part of a widespread systematic attack against civilian citizens?

All of these questions will be discussed and the court will come to an answer for them and to form convictions regarding them that are beyond any reasonable doubt keeping in mind that it has already been proven to this court that the Accused Taha Yassin Ramadan was at the time and after it holding the following positions in the state of Iraq and the Baath party that was leading the state a member of the revolution command council, a deputy prime minister, the general leader of the popular army, a member of the regional command of the Baath party.

The extent to which the Accused Taha Yassin Ramadan is criminally responsible of Imprisonment or other severe deprivation of physical liberty as a crime against humanity

It has been proven to this court through the evidence mentioned earlier that a number of repeating campaigns launched by the military forces and intelligence and security forces to arrest hundreds of people of Dujail (woman, children and men) on the day of the incident and the following days and that was in response to the failed and very limited assassination attempt against the former president on July 8, 1982 and it has also been proven to the court that the systematic large scale repeated arresting campaigns that were launched by these forces and services were done with active participation on the part of members of the popular army and Baath party in Dujail and the surrounding areas and that the people who were in charge of the Baath party in Dujail who were by definition leaders in the popular army there keeping in mind the circumstances of the Iraqi Iranian war in which the popular army took part on the war front and in different locations inside Iraq. They participated actively in the arresting campaigns of those residents of Dujail in addition to their providing the forces as well as the Security and Intelligent Services with information about the people of Dujail who were suspected of either belonging to the Daawa party or lack of allegiance to the Baath party or lack of allegiance to the defendant Saddam Hussein.

Among the Baath party leaders in Dujail was Ahmed Ibrahim Hasoun Al-Samarai Abu Nabil who was very active in the operations of arresting people and identifying families that were not loyal to the Baathist regime and Saddam Hussein (c.f. the statements of a large number of the complainants and prosecution witnesses)

Those illegal arrests of those victims of woman, men, children and elderly people led to imprisoning them in an illegal manner first in the headquarters of the Baath party in Dujail and then led later, and since the first day after the accident, to transporting them and then imprisoning them in the prison that belonged to the intelligent service again in an illegal manner and then a large number of them were transported to the Abu Ghuraib prison and then later a large number of them were sent to the Laya desert compound. These facts are solid and the court firmly believes that they took place and within this trial there is an enormous amount of evidence to confirm this.

Based upon what has been mentioned up until now the only logical and reasonable conclusion in this regard leads us to say that the members of the popular army and Baath party in Dujail participated actively and largely in imprisoning those victims of the civilian residents of Dujail.

The Accused Taha Yassin Ramadan, in addition to his being a deputy prime minister and an important member in the revolution command council and very close to the Accused of Saddam Hussein, he was also a member of the regional command of the Baath party in Iraq and a general leader of the popular army and in addition to that he was a member of the national leadership of the Baath party (covering the whole Arab homeland) that was headed by the Accused Saddam Hussein. All of the official party positions that the Accused Taha Yassin held kept him in direct contact and very close to the Accused Saddam Hussein and all of that occurred in a regime that was totalitarian and whose main concern was to stay in power and the head of that regime (the Accused Saddam Hussein) kept saying that the law is nothing other than what he wants and therefore there were

numerous intelligence and security and military and Baath party services and departments and they were all dedicated to serve the purposes of the regime and on top of these keeping the Accused Saddam Hussein in power at any cost even if that lead to the killing of hundreds of thousands of citizens or others.

The Accused Taha Yassin Ramadan enjoyed great legal power over the members of the popular army and contrary to what he claimed during the court proceedings that his power was limited to training the members of that army which was considered the backup for the regular army, what the revolution command council (dissolved) resolution number 1563 and issued on Oct 9th 1980 included proves the opposite of what the Accused Taha Yassin stated earlier. The first item of that resolution gives the general leader of the popular army the authorities of the minister of defense upon the Amended Military Court's Law number 44 for the year 1941 regarding the military people or those joining the popular army and this means that the Accused Taha Yassin was capable of taking all the appropriate legal procedures for the interrogation and to prosecute the popular army and even the military people who work in the popular army if they commit any crimes whether those were indicated in the military penal law number 13 for the year 1941 or the penal law number 111 for the year 1969 or any other penal law. He was also capable according to the military Court's Law mentioned above to form court martial for the purposes mentioned in it.

The second item in the revolution command council (dissolved) resolution number 1563 on Oct 9th 1980 authorized the chief of members at the general leadership of the popular army to form interrogation committees and to give these interrogation committees all the authorities of interrogation committees in accordance with the military Court's Law. It can be noted in this text also that within the popular army that there was the position of chief of staff and that the person in this position was linked to the general leader of the popular army and this means that the authorities and specialties of the general leader of the popular army were not limited to training the members of that army for it is known in all armies in all of the countries of the world that one of the most important authorities and specialties of the position of chief of staff is to move its units to any place. This means that these units are moved and are given tasks upon an order from the chief of staff who is linked to the general leader of the popular army. The units of the popular army had been moved from their headquarters to other places in Iraq and on the warfront and had been given specific tasks and it is very clear that the movement of those units and the tasks they were given were all upon orders of the general leader of the popular army and the chief of staff in it.

The third item of that resolution that was issued by the revolution command council (dissolved) gave the chief of staff of the popular army the authority to be the unit officer and to keep people in custody and to refer them to the nearest court martial.

The fourth item of that resolution authorized the chief of staff in the popular army (who is linked to the general leader of the popular army) to give the authorities mentioned in

items 1 and 2 of this resolution to the leaders of the regions or those who work on behalf of them.

According to the fifth item of that resolution an assistant to the head of the legal department of the general leadership of the popular army as appointed and he is given the same authorities that are given to the assistant of the head of the legal department in the regular army. This means that there was a legal department in the general leadership of the popular army that had the same authorities as those of the legal department at the ministry of defense and the office of the chief of staff in the army.

It has become clear from what was mentioned above the great extent of the legal power that the Accused Taha Yassin Ramadan had over the members of the popular army and despite the fact that just possessing the legal power by itself is enough to hold him criminally responsible for the crimes committed by the people working under his leadership according to the international criminal law if he knew that those crimes were about to be committed by them and he did not prevent them from happening or if he knew after they were committed and did not take the proper procedures to investigate and prosecute the perpetrators (look for example at the resolution issued on the case of Zalatko Aleksovski mentioned earlier, items 117, 118, 133, 135 of that resolution. Also look at the resolution issued by the appeal committee in the case of Mucic item 88).

The Accused Taha Yassin Ramadan had de facto power over those under his leadership as he was one of the few people who were in direct contact with the Accused Saddam Hussein since he held advanced official and Baath party positions in the country. Therefore, the Accused Taha Yassin Ramadan had an important and real personal interest in keeping that regime and party in power and in absolute submission to the Accused Saddam Hussein in everything he said or did.

Therefore, the Accused Taha Yassin Ramadan knew about the widespread systematic attack in which his popular army forces participated actively against the civilian residents of Dujail. He also knew that his action of taking the silent but covert decision of those illegal arrests of the people of Dujail (during the national assembly meeting with the Head of the General Security Service Fadhil Al-Barrak and the representative of the head of the Intelligence Service Mohammad Olaiwi late in the evening of the day of the incident or the following day upon the order of the Accused Saddam Hussein a few hours after the assassination attempt) knew that it was part of that widespread systematic attack against civilian citizens.

That deliberate participation on the part of the Accused Taha Yassin Ramadan aimed at furthering the criminal activities of the Baath party staff which constituted the backbone of the popular army as well as the military and security and intelligence forces in committing that crime that lead to imprisoning those victims without any legal justification and retaliation for a very restricted and failed attempt committed by very few people as indicated in the confession given by the Accused Saddam Hussein during the 28th proceeding of the court. In addition to that the deliberate participation of the

Accused Taha Yassin at that time aimed at furthering the criminal purpose of the regime lead by the Baath party of which the Accused Taha Yassin was one of the major figures ever since that party took power by force in 1968. The Accused Taha Yassin has also known about the intention of the other participants in that crime when he received the order to do that from the Accused Saddam Hussein and during the meeting in the national assembly specially that he was the head of the committee that was formed directly after the incident to further the criminal activities of those services and to further the criminal purpose of that regime and that party. The Accused Taha Yassin had implicit agreement, if not explicit, about what was happening and will be happening in Dujail. This means that there was agreement between him and the Accused Saddam Hussein and the Accused Barzan Ibrahim who was represented in the meeting (that was held at the national assembly) by his chief of staff Muhammad Olaiwi and the Head of the General Security Service Fadhil Al-Barrak. This fact was confirmed by the Accused Taha Yassin himself when he said in his statement that was transcribed by the interrogation committee on Feb. 9th 2005 “The task that was assigned to me was to listen to what the Security Service officers say and to give my notes and to direct them to take action if I had any instructions.”

It was said that the purpose of the meeting that was held at the national assembly of that committee that was headed by the Accused Taha Yassin Ramadan upon an order from the Accused Saddam Hussein was to develop the city of Dujail. Does it make any sense that the Accused Saddam Hussein issues an order on that day (the day of the incident) for the Accused Taha Yassin Ramadan to meet as the head of that committee with the representative of the head of the Intelligence Service Mohammad Olaiwi who was the chief of staff of the Accused Barzan Ibrahim and the Head of the General Security Service Fadhil Al-Barrak a few hours after the incident to consider developing the city of Dujail at the same time that the arrests were taking place? And if the purpose of the above mentioned committee which was headed by the Accused Taha Ramadan was to develop the city of Dujail why was it necessary to have in it a representative for the Head of the Intelligence Service and the director of the General Security Service?

If the Accused Taha Yassin Ramadan did not know about what happened in Dujail as he claimed during the court proceedings, he had firm reason to know being a member in the revolution command council (dissolved) and a deputy prime minister and a major member in the regional leadership of the Baath party and a general leader of the popular army and the head of a committee that was formed upon an order from the Accused Saddam Hussein a few hours after the incident in which held its meeting at the national assembly with him heading the meeting. These very powerful positions that the Accused Taha Yassin held enable him to easily know about anything that was happening in Dujail and he definitely, as the only reasonable and logical conclusion, in one way or another he knew about what was happening without taking any procedures to stop those crimes from happening or any procedures to prosecute their perpetrators after they took place.

It has become clear from what was mentioned above that there was joint criminal act in which the Accused Taha Yassin Ramadan had played a large role and that there was a

joint criminal intention and that that extremely important deliberate participation of the Accused Taha Yassin aimed at furthering the criminal activity of those security and intelligence and Baath party services and also to further the criminal intention of the Baath party regime under the leadership of the Accused Saddam Hussein.

For all that has been mentioned above the Accused Taha Yassin Ramadan as held criminally responsible for imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law under article 15/2nd/d in the Court's Law.

The Accused Taha Yassin Ramadan was also a general leader of the popular army and his relationship with the members of the popular army was a superior-subordinate relationship and the person who was the direct subordinate to the Accused Taha Yassin in Dujail was Ahmad Ibrahim Hasoun Al-Samarai (Abu Nabil) being the Baath party member in charge in that area and consequently in charge of the popular army in Dujail and who issued orders for the members of the popular army there. These orders included committing crimes against humanity. The Accused Taha Yassin Ramadan who was a general leader of the popular army also had vast authorities which were the same as those as the minister of defense and he was also a member of the regional command of the Baath party and the party leaders in Dujail are by definition the leaders of the popular army in the area and they had to report to him as he was their leader, and they had to report to the members of the regional command of the party and the Accused Taha was also one of these. So the Accused Taha Yassin was a superior to those party members in Dujail and he was their leader since they had been members of the popular army that was led by the Accused Taha Yassin.

So what was mentioned above has proven that the subordinates who committed the crime were legally and actually under the authority and control of the leader (the general leader of the popular army) the Accused Taha Yassin Ramadan. Those subordinates committed the crime (the illegal detention and imprisonment of the people of Dujail) if not upon a direct order from the Accused Taha Yassin, at least with his implicit consent and him overlooking their acts and not using his powers rightfully against them. And the Accused Taha Yassin knew, or at least there were reasons that should have made him know, that his subordinates were committing or they were about to commit those crimes including arresting and later imprisoning the victims of the people of Dujail and he did nothing to stop the commission of those crimes.

Supposedly the duty of the popular army was to protect people and civilian citizens and to guarantee their safety (especially during the circumstances of the war between Iraq and Iran when most men between 18 and 45 years were at the war front) and this matter-guaranteeing the safety of citizens-was within the authority and power of the Accused Taha Yassin Ramadan since he was the general leader of the popular army but instead of that the popular army activities in Dujail were focused on committing those crimes that they were supposed to stop from happening. However it seems that the loyalty of those party members and popular army members lead by the Accused Taha Yassin Ramadan

was not to their country but rather to the Baath party and the Baathist regime and to Saddam Hussein in particular. The Accused Taha Yassin Ramadan failed to take the necessary and reasonable procedures within his power to stop these crimes from happening or to present the matter to the authorities especially the judicial authorities for investigation and prosecution after they took place. Therefore, the Accused Taha Yassin Ramadan is held criminally responsible for Imprisonment or other severe deprivation of physical liberty as a crime against humanity under article 15/4th in the Court's Law.

The extent to which the Accused Taha Yassin Ramadan is responsible for torture as a crime against humanity

It has been proven for this court based on the evidence available and the trial that the victims of Dujail woman, children, men, young people, elderly men and women have been exposed to torture on a large scale using all kinds of psychological and physical torture and the prison that belonged to the intelligence service and the section that belonged to the intelligence service inside the Abu Ghuraib prison and in the Laya desert compound and before that they were all assaulted and insulted when they were arrested and when they were brought to the party headquarters in Dujail. Those arrests, in which members of the popular army and the Baath party in Dujail had active participation, and those assaults which were caused by these members of the party and the popular army against the people of Dujail and the party headquarters. During the arrests, hundreds of people of Dujail, who were civilians, were transported to the intelligence prison and later to the Abu Ghuraib prison where they were tortured by the intelligence officers, staff and guards and by the Accused Barzan Ibrahim himself. As a result of torture, at least 46 people of Dujail lost their lives, and later a large number of those victims were transported to the Laya desert compound and were tortured there by the guards who worked for the security directorate in the Muthanna province. These crimes are solid facts that are beyond reasonable doubt.

This court is firmly convinced that when those victims were arrested none of them were told about the time they will spend in custody and whether there were any possibilities for their release. Those prisoners (detainees) were asked in general about their attempt to assassinate the former president. Does it make any sense that children and women from the countryside are capable of committing this act? They were also asked if they had joined the Daawa party and they were asked to confess about things that they did not do or did not join. And for that purpose they had to undergo the cruelest kinds of torture. So the arrests were against the law. In these arrests, neither the age nor the gender nor even the health status of the detainee was taken into consideration and also there was no logical justification for these arrests since it did not make any sense at all that these children and young countryside women and those elderly men and women could commit the act that they were accused of doing and that was attempting to assassinate Saddam Hussein or that they were members of the Daawa party.

Those illegal arrests, in which the members of the popular army and Baath party in Dujail participated, have led to imprisoning these victims illegally too. And torture in the

prisons of the former Baathist regime with accusations similar to those against those victims as a very probable crime. Therefore those who participated in these arrests are considered responsible for the crimes of imprisonment or other severe deprivation of physical liberty and torture as crimes against humanity under article 53 in the penal law number 11 for the year 1969 this is in case of the absence of a probable criminal intention (indirect) to the perpetrators of those crimes under article 34/b of the penal law.

Moreover those arrests which were not based upon any laws or logic or reason and that deprivation of physical liberty which goes against not only law but all divine laws and human principles and values were accompanied during the arrests and detaining the victims and the party headquarters by assaults by the party members and members of the popular army in addition to the staff of the other security forces.

That act (torture) which caused the victims of Dujail severe psychological and physical pain or both together was done intentionally and aimed at obtaining information or confessions from some of the victims. It also aimed at punishing or intimidating the victims or other people and humiliating them or discriminating against them for political and sectarian reasons. Those who tortured the victims of Dujail were intelligence officers and staff and the security staff at the Laya compound in the Samawa desert and the members of the popular army at the party headquarters who were also civil servants. This is because the resolution number 373 which was issued by the revolution command council (dissolved) on March 23, 1978 included all members of the popular army who were volunteers within the amended military service and contracting law number 1 for the year 1975 (c.f. a similar opinion in this regard issued on the case of Antu Frandjea mentioned earlier (item 159) of the verdict that was issued in that case).

Among the possible purposes of torturing the victims is humiliating them where as the general spirit of the international humanitarian law is to maintain human dignity and more important than that that almighty Allah says in the holy Qur'an, "We have honored the sons of Adam ..." The Holy Qur'an (AL-ISRA: 70).

Going back to the Accused Taha Yassin Ramadan we say that despite the lack of direct evidence that he committed the act of torture by himself, he deliberately participated in committing this crime when he participated in a joint criminal act with a joint criminal intention when he received the orders from the Accused Saddam Hussein and he attended the meeting at the national assembly that was mentioned earlier and in which very important decisions were made by the committee that was formed and headed by the Accused Taha Yassin Ramadan on the day of the incident. Those decisions had to do with what was going on, and would be going on in Dujail and to its civilian residents: participating by issuing those decisions with the intention of furthering the criminal activity of the military and intelligence and security and party forces and the popular army and also with the intention to further the criminal purpose of the Baath party regime. Moreover the fact that the Accused Taha Yassin Ramadan knew about the intention to commit those crimes among the other participants is confirmed for the reasons mentioned earlier. What is more than that was that he wanted those crimes to be committed. Here it must be said that it is possible for the intention of one of the

participants in a joint criminal act is direct and when the intention of another participant in the same joint criminal act is probable (indirect) it will have the same legal value in all situations.

Naturally as we said earlier the arrests lead to imprisonment and torturing is a very probable crime in the prisons of the former Baathist regime especially for such accusations as those that the victims of Dujail were accused of which was very normal and logical in those prisons and especially after a joint criminal act has been proved. The Accused Taha Yassin Ramadan had large legal and de facto power over those working under him for the reasons mentioned in the previous items and that power was not utilized to prevent committing those crimes before they took place or to prosecute their perpetrators after they took place but that power was utilized by the Accused Taha in order to commit those crimes based on the joint criminal act according to article 15/2nd/d of the Court's Law and also based upon his leadership responsibility according to article 15/4 of the same law.

The Accused Taha Yassin knew about these crimes and at least he could have known because he was the general leader of the popular army and had de facto and legal power over the members of the popular army because he's a major figure in the Baath party and very close to the Accused Saddam Hussein and because he was present in the meeting of the national assembly as the head of the committee that was formed upon the order of the Accused Saddam Hussein and because many things were decided in that meeting about how to deal with the people of Dujail. The punishment that will be given to him and in fact none of the members of the command council and especially the members of the revolution command council was not aware about what was happening in Dujail after the very limited failed assassination attempt and the proof to that is that the Accused Saddam Hussein confessed it when he said in court "That the revolution command council gets together to discuss the assassination attempt and the measures to be taken is a normal thing" and the Accused Taha Yassin Ramadan is an important member in the council mentioned above.

Moreover the Accused Taha Yassin Ramadan did not take any measures to prevent those crimes from occurring because he himself wanted them to take place and he did not take any measures to prosecute its perpetrators and he was capable of doing this for the same reason mentioned above because it did not make any sense that someone should punish another person for doing something that he himself wanted done.

For all of that the Accused Taha Yassin Ramadan is held criminally responsible for torture as a crime against humanity according to article 15/2/D of the Court's Law and the article 15/4 of the same law.

The extent to which the Accused Taha Yassin Ramadan is responsible for deporting the residents or transferring them by force as a crime against humanity

What needs to be emphasized here is that deporting people or transferring them by force from the city of Dujail to the Laya compound in the Samawa desert in addition to its being a very probable crime due to the detainments and arrests for the residents of Dujail that were committed by the members of the popular army and the party in Dujail and under the circumstances that we referred to earlier in the previous paragraphs and for the reasons mentioned earlier, the witness Waddah Al-Sheikh emphasized in his statement during interrogation on January 25, 2005 and during the court proceedings on October 23, 2005 which was read in the proceedings of October 28, 2005 that the committee headed by the Accused Taha Yassin Ramadan upon an order from the Accused Saddam Hussein on the day of the incident and which met at the national assembly a few hours after the incident and whose members were the head of the Intelligence Service and the Accused Barzan Ibrahim who sent his chief of staff Muhammed Olaiwi to represent him as well as Fadhil Al-Barrak the head of the General Security Service. This committee decided to detain the victims from the people of Dujail who were arrested and kept in the intelligence prison and then the Abu Ghuraib Prison and then deported to the area of Nugrat Al-Salman south of Samawa in the camp of the compound that was prepared for them and indeed it has been proven to the court that these victims of women, children, men and elderly were transferred to the Laya compound in the Samawa desert close to the borders of Saudi Arabia starting from the spring of 1983 and that was in groups and they were forced to stay there until the spring of 1986 and those deportees constituted 85 families, all in all 399 people of different ages and both sexes. Among the documentary evidence that proves to which we have referred earlier in addition to others is the document issued by the headquarters of the Intelligence Service number 106 on May 8, 1983 which is addressed to the General security office in the province of Muthanna to deport 115 people from the people of Dujail whose names were on five lists that were appended to this document and it is already known that Muhammed Olaiwi the chief staff of the head of the Intelligence Service the Accused Barzan Ibrahim had already attended the meeting at the national assembly representing him as the head of the Intelligence Service was a member in the committee that was formed upon an order from the Accused Saddam Hussein as we mentioned earlier and that the Accused Taha Yassin Ramadan was the head of that committee which held its first meeting right after an order to form it was issued by the Accused Saddam himself.

We reiterate here that the perpetrators of this crime knew about the realistic circumstances that prove the legality of the presence of those civilian citizens of the people of Dujail since they have been living there they themselves, their fathers and their grandfathers for hundreds of years as Iraqi citizens and that some of those who arrested them and then detained them were members of the popular army and the party who lived in the same area and knew the people who were deported in person considering that Dujail is a small area and has a small population.

Therefore the Accused Taha Yassin Ramadan is held criminally responsible for deporting people and transferring them by force as a crime against humanity according to article 15/2/D and article 15/4 in the Court's Law and also the articles 34/B and 53 of the penal law number 111 for the year 1969.

The extent to which the Accused Taha Yassin Ramadan is criminally responsible for Enforced disappearance of persons as a crime against humanity

For this crime to be proven all of its elements mentioned above must be available. And since one of the elements that are required to prove this crime was not proven available in the papers of this trial at least and for the reasons that we mentioned when discussing the extent to which the other Accused people (Saddam Hussein and Barzan Ibrahim) were criminally responsible, so the Accused Taha Yassin Ramadan cannot be held criminally responsible for the act of Enforced disappearance of persons as a crime against humanity and therefore the court has decided to annul the charge against him according to article 12/1/I of the Court's Law and to acquit him from this charge according to 182/B of the amended penal law 123 for the year 1971.

The extent to which the Accused Taha Yassin Ramadan is criminally responsible for willful killing as a crime against humanity

First we can classify the victims of the civilian residents who were killed in Dujail and other places later into four groups:

1. The first group: Includes the victims who were killed by the members of the military forces including the republican guards and the army warplanes and also the members of the popular army and security and Intelligence Services on the first two days of the incident and there are at least 9 of these people whose names are mentioned in the Indictment.
2. The second group: Includes those victims who were killed due to torture, to extort false confessions or to force them to sign false statements that were prepared for them or in retaliation against the victims or to intimidate them in the prison of the intelligence or in the Abu Ghraib prison and the Laya compound in the Samawa Desert and there are at least 46 victims in this group.
3. The third group: Includes the victims who were killed in the places mentioned in the second item above due to the health conditions and living circumstances and inhumane treatment which was both illegal and horrible.
4. The fourth group: Includes the victims who were executed upon an order issued by the Accused Awwad Al-Bandar and the members of his court which was called a verdict and that was not what it really was on June 14, 1984 and there were about 96 victims in this group.

The available evidence in this trial proved to the court that the members of the popular army and Baath party in Dujail have participated in killing an unspecified number of those mentioned in the first group above and that they also participated in arresting and

assaulting and detaining a large number (hundreds) in the second, third, and fourth groups mentioned above.

It has also been proven to this court that the popular army participated actively in surrounding the city of Dujail and in the widespread systematic attack launched by the military units and Intelligence Service and Baath party members against the people of Dujail.

It has also been proven to this court that the Accused Taha Yassin Ramadan did not only know but also wanted these crimes of arresting and detaining the victims of Dujail illegally and this was made obvious through his heading the committee that was formed upon an order from the Accused Saddam Hussein on the first day of the incident and whose members were the chief of staff of the Intelligence Service Muhammed Olaiwi representing the head of that service the Accused Barzan Ibrahim and the head of the General Security Service Fadhil Al-Barrak and also due to his being the general leader of the popular army and a member of the revolution command council (dissolved) and a member of the regional leadership of the Baath Party in Iraq which proves that he must have known about what was happening in Dujail not only for holding those high party and official positions but also because of his extreme closeness and contact with the Accused Saddam Hussein (compare a similar in the verdict issued in the case of Zalatico Aleksovski that was mentioned earlier item 118).

And since the Accused Taha Yassin Ramadan was a general leader of the popular army and had legal power as has been proven earlier over his subordinates of the members of the popular army who participated in the killing operations that were committed on the first two days of the incident (at least by surrounding the city of Dujail) and participated to a larger extent in the operations of arresting the victims of the people of Dujail in the few first days after the accident and because willful killing is a very probable crime and that is considered a normal sequence of events after torturing people in the prisons of the former Baathist regime especially for charges like the ones that were raised against the victims of Dujail like trying to assassinate the former head of state, the Accused Saddam Hussein and being members of the Daawa Party keeping in mind the brutal and very cruel methods that were used in torturing those victims in addition to the terrible health and living conditions that those prisoners had to undergo in the intelligence prison and the Abu Ghuraib prison and the Laya Desert compound which led to killing another number of victims, and since at least 96 victims were executed upon an order from the Accused Awwad Al-Bandar and the other members in his court and was approved only two days later by the Accused Saddam Hussein and they were actually executed. The order to kill these victims was under the pretext that a verdict has been issued by a "court" was also a very probable crime due to the acts of arrest and detention in the prisons of the former Baathist regime for those charges which had to do with the head of the state and that was also within the normal sequence of events for those in power in that regime. Therefore, even if the direct criminal intention for the Accused Taha Yassin Ramadan to kill those victims was not available, the probable criminal intention (indirect) for killing them must have been available according to article 24 of the penal law number

111 for the year 1969 and even if the probable criminal intention was not available to the Accused Taha Yassin Ramadan to kill the victims and the court has total conviction that he had it as a minimum, the Accused Taha Yassin Ramadan is held criminally responsible for the probable crimes that were committed by the members of the popular army when they arrested and detained that large number of the residents of Dujail and this is according to article 53 of the penal law number 111 for the year 1969 and article 15/2/D of the Court's Law.

Thus the Accused Taha Yassin Ramadan is criminally responsible for a joint criminal act in which he participated actively and deliberately due to what we mentioned earlier regarding him heading the committee that met at the national assembly on the day of the incident and his being the general leader of the popular army who had great authorities and de facto and legal power over the members of the popular army and since he had a joint criminal intention with the other participants and that he knew about the intention of these other participants and that he knew that his action is part of a widespread systematic attack for the reasons mentioned above; and since he knew that his participation and his role in this joint criminal act aimed at furthering the criminal activity of the members of the popular army and the military and party of Intelligence Services and he knew also that his action at that time was to further the criminal intentions of the Baath party regime for the reasons mentioned above and for other reasons mentioned earlier (when deciding the extent to which the Accused Taha Yassin was responsible for the other crimes against humanity that he was charged with) (see about this in the case of Zalatico Aleksovski item 64 of the verdict issued in it) Therefore he is held criminally responsible for willful killing as a crime against humanity according to article 15/2/D of the Court's Law.

Since the Accused Taha Yassin Ramadan was a general leader of the popular army and there was a superior-subordinate relationship between him and the members of that army who committed those crimes (participating in killing 9 people at least and arresting and detaining hundreds of the civilian citizens of Dujail in the first days of the incident) and since the Accused Taha Yassin Ramadan had big legal authority and de facto control over the officers and members of the popular army (see about the de facto and legal control in the verdict issued in the case of Kordish and Sharkash item 418) and since the accused did not only give up his rightful control over them but more than that he at least overlooked their acts (see the verdict issued in the case of Miloraker Noglak item 89) for the purpose of committing these crimes; and since the Accused Taha Yassin knew and at least had good reason to know that his subordinates were committing or about to commit those crimes since being the general leader of the popular army he must have known the names and the members of those who were involved in those crimes and on top of these Ahmed Ibrahim Al-Samarai the party member who was in charge in Dujail and consequently one of the important figures if not the top figure of the popular army in Dujail and this is since the Accused Taha Yassin Ramadan the general leader of the popular army and a member of the revolution command council that used to issue resolutions and amongst which were those that had to do with the case of Dujail and he was also a member of the regional leadership of the Baath party, etc and that the activities of those subordinates had to do with crimes that were part of the act of responsibility of

the Accused Taha Yassin Ramadan since he was the general leader of the popular army and one of the important officials who were responsible for providing security for people especially during the circumstances of the Iraq-Iran war; and since the Accused Taha Yassin failed to take any of the necessary and logical measures within his power to prevent his subordinates from committing those crimes and he did not take any measures to conduct an investigation in these crimes after they took place and to prosecute their perpetrators in court of law or at least as part of his authority over them despite the fact that he had already known about them therefore he is held criminally responsible for them based on the principle of the responsibility of leaders and superiors according to article 15/4th of the Court's Law.

The Conclusion

It has become clear from what was previously discussed that the accused Taha Yassin Ramadan knew that the actions of the members of the popular army were part of the widespread systematic attack against the civilian residents of Dujail and that this knowledge of his came through his role as a general leader of the popular army and also through his phone call with the accused Saddam Hussein on the first day of the incident and through his heading of the committee that was formed upon an order by the Accused Saddam Hussein a few hours after the incident at the national assembly and through the presence of the head of the General Security Service Fadhil Al-Barrak and Muhammed Olaiwi the chief of staff at the Intelligence Service and that meeting in which they discussed and made plans and decided upon procedures and methods that will be followed (see regarding these requirements the separate opinion of judge Kassas in the case of Ducutadi/the appeal committee item 14. This case and opinion were previously mentioned).

To respond to the failed and very limited assassination attempt in Dujail and that the Accused Taha Yassin based upon all of that knew about the regime plan to attack Dujail through the arrests of hundreds of its residents. Therefore it is only natural to say that the Accused Taha Yassin knew about the actions of the popular army and that he had known that those acts and actions were part of that widespread systematic attack against the civilian citizens of Dujail and had also known that his action was part of that attack.

The awareness of the Accused Taha Yassin about this following all what was mentioned above stemmed from his being a leading member in the Baathist regime under the leadership of the Accused Saddam Hussein which was based on power and cruelty against the opposition and liquidation of opponents and the use of the most brutal and ugly methods with even those ordinary people who know nothing about politics when there is any suspicion about their loyalty to Saddam Hussein and the Baath Party. The Accused Saddam Hussein was an absolute tyrant and dictator and the regime used to continuously start and make up crises to intimidate the Iraqis to guarantee that it stays in power. The crimes against humanity have been considered international because punishing them aims in the first place to put an end to the injustice practiced by the

oppressive authorities and the purpose of incriminating them is to protect the people's humanity and as a result to maintain the human values since the humanity in any country is not separated from that in the international community which cares about the destiny of its members everywhere in the world. Therefore the Accused Taha Yassin Ramadan is also held criminally responsible for willful killing as a crime against humanity according to article 15/4th of the Court's Law.

The extent to which the Accused Taha Yassin Ramadan is held responsible for the other inhumane acts as a crime against humanity

In the matter of razing the orchards in Dujail, there is enough solid evidence not only to prove the razing operations of those orchards, since this is obvious from what is there on the ground up until now and through satellite imagery of the area of Dujail taken before razing on September 25, 1982 and after it and through the confessions of those accused in this trial and on top of them the Accused Saddam Hussein during the trial who confessed that the razing operations on those orchards had happened. Among the evidence were the audio recordings of the phone calls including the audio recording of the phone call between the Accused Saddam Hussein and the Accused Taha Yassin Ramadan and also the phone call between the Accused Saddam Hussein and Abdul Ghani Abdul Ghafour who was trying to get close to the Accused Saddam by saying that he had done to the orchards in Shatt Al-Arab in Basra during the uprising in 1991 just like what happened to the orchards of Dujail and that when he did it he was following what was done by his president Saddam Hussein, and also through the statements of the dozens of complainants whose orchards were razed in Dujail, and also in what was stated by the witness Waddah Al-Sheikh in his statements during interrogation and trial.

The questions here and which have to be answered before deciding to what extent the Accused Taha Yassin Ramadan is criminally responsible for razing the orchards in Dujail are: Are razing orchards and confiscating lands that we will discuss later criminal acts in Iraqi law and International Law? Did the Accused Taha Yassin Ramadan supervise the operations of razing orchards in Dujail or did he order it? Did any of the members of the popular army participate in the razing operations in any way?

Regarding the first question article 479 of the penal law number 111 for the year 1969 states that (1. The penalties of imprisonment or paying a fine or either of these two penalties is given to those...C who uproot or cut or damage a tree that belongs to others or due to their desire to take the tree or its bark to kill it. 2. And the penalty is imprisonment for a period of no more than 7 years if the crime was committed between sunset and sunrise by three people at least or by two people one or both of whom resorted to violence against others or if one of whom was carrying a conspicuous or hidden weapon)

These razing operations of those orchards are considered inhumane and a crime against humanity because it caused great suffering due to the moral and financial damages that the victims in Dujail who owned those orchards had to undergo since it was their sole

source of income and since money is dear to people like their sons and daughters and therefore writers of constitutions all over the world permit legal self defense for people's lives and money (see for example article 42 of the Iraqi penal law number 111 for the year 1969) and before that Almighty Allah says in the Holy Qur'an "The wealth and sons are an adornment of the life" (Surat Al-Kahf: 46). So when the fruitful trees some of which were tens of years old were cut it felt as if those who committed the razing operations or supervised them or ordered them as if they have murdered those victims whether the owners of their orchards or their sons and daughters. They have taken from them the things that meant for them the most, their lives and their children's lives and their orchards in addition to taking their honor and freedom and dignity. Therefore we can safely say that razing the orchards is one of the other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to the mental or physical health stated upon in article 12/1st of the Court's Law.

The question now is did the Accused Taha Yassin Ramadan supervise the razing of those orchards? Did he order the razing? The statements of a large number of complainants confirm that they had seen the Accused Taha Yassin Ramadan supervising the razing operations. Moreover another number of complainants who were detained during the razing operations in the intelligence prison and the Abu Ghuraib or the Laya compound stated that they had heard from the people of Dujail when they came back from the Laya compound in the Samawa desert in 1986 that the Accused Taha Yassin Ramadan supervised the razing of those orchards. There are people who saw what happened and there are people who heard about it from others. These testimonies are generally consistent and they support each other. Therefore this court is firmly convinced that the Accused Taha Yassin Ramadan must have come to Dujail and supervised the razing operations for at least once and this was emphasized by some of those accused in this trial in this case two and one of whom is the Accused Muhammed Azzawi Ali during interrogation.

Now we come to the other question: Did the Accused Taha Yassin Ramadan order the razing of the orchards? The witness Waddah Al-Sheikh and the Accused Saddam Hussein and the Accused Mizhir Abdullah give us an answer for this question.

The Accused Saddam Hussein admitted that he ordered the razing of the orchards and that was during the trial on March 1, 2006. The Accused Saddam Hussein also admitted implicitly in his statement during interrogation on June 12, 2005 that he ordered the Accused Taha Yassin Ramadan to head a committee whose members were the head of the Intelligence Service and the head of the General Security Service and to meet with them in the building of the national assembly on the day of the incident a few hours after it took place and this was confirmed by the Accused Taha Yassin in his statement during interrogation on December 9, 2005.

In addition to that the Accused Barzan Ibrahim admitted during interrogation on January 25, 2005 that this committee was formed and was headed by the defendant Taha Yassin Ramadan upon an order from the Accused Saddam Hussein and its members were

Muhammed Olaiwi representing the head of the Intelligence Service and the head of the General Security Service.

The picture becomes complete when the witness Waddah Al-Sheikh comes and says in his statement during interrogation on January 25, 2005 “one of the suggestions put forward by the Accused Taha Yassin Ramadan was to cut the trees and the orchards to a distance of one to three kilometers in all directions and this suggestion was carried out upon orders from the Accused Taha Yassin Ramadan and so the orchards and trees in Dujail were cut and razed” and also his statement given during the trial on October 23, 2005 and which was read in the court session of October 28, 2005 “as for the role of the Accused Taha Yassin Ramadan at first he had no role but about one month later a committee was formed and he headed that committee and the main role of that committee as far as I remember was to raze and eliminate the orchards in Dujail and Ballad.”

Now the picture is clear and complete and we can say without any reasonable doubt, keeping in mind all the other considerations regarding his supervising the razing operations of the orchards that were mentioned earlier, that the Accused Taha Yassin Ramadan being the head of that committee that was formed upon an order from Saddam Hussein and which met for the first time after the accident directly at the national assembly and which must have had other meeting afterwards has issued orders to raze the orchards in Dujail.

Now we come to the other question: Did the members of the popular army and Baath party in Dujail participate in the razing of those orchards? There is plenty of evidence regarding this as a large number of the complainants and the prosecution witnesses stated during interrogation and the trial and even some of the those Accused in this trial including the Accused Muhammed Azzawi Ali and the Accused Mizhir Abdullah Kadhim during interrogation that they had seen the members of the popular army supervising the razing operations of those orchards, or, that they were protecting those who were performing the razing operations. Others among those complainants stated that they heard about that from the people of Dujail when they were set free and came back from the Laya compound in the desert of Samawa to Dujail in the spring of 1986.

As for the confiscation of the lands in Dujail the Revolution Command Council (dissolved) issued resolution number 1,283 on October 14, 1982 and the resolution number 100 on January 23, 1985. These two resolutions did not talk about taking possession of those lands according to the rulings of the law of gaining possession and were against what was stated in the temporary constitution of the year 1970 and what was stated in it regarding the rights of ownership as article 16/C in it stated that “private ownership cannot be removed unless there was public benefit and for a just compensation according to the conditions set by the law.” So, was confiscating those lands actually for the public benefit, or for other reasons? Was there any fair compensation? Those two resolutions included confiscating the lands owned by some of the victims of the people of Dujail without compensation (the third item in the resolution 1283 on October 14, 1982 and the first item from the resolution number 100 on January 23, 1985) whereas the

second item of the first resolution states that those in possession of the agricultural lands or constructions on orchards should be compensated in the first item above by giving them agricultural lands in the areas specified by the Ministry of Agriculture and Agricultural Reform or by giving them lands where houses can be constructed, etc and here comes the element of discrimination that is required by the International Law to say that this act constitutes an international crime, since some of the orchard owners and these are only a few were compensated because they supported the party and the leadership and Saddam Hussein and because their orchards were razed and confiscated as a result of the immediate anger of the former president and therefore it was ok to compensate them. As for the large part of the owners of those confiscated agricultural lands and orchards that were razed earlier these were not compensated either because they opposed the party and Saddam Hussein or because he suspected that they were not loyal to Saddam Hussein and the Baath Party.

So now all the elements of the crime are available and compensating some of the victims later does not given an excuse for those who participated in committing them in any manner whether as a major participant or as a partner to escape the criminal responsibility for it. And even if many years later another group of the victims were giving compensations that were of no real value due to the decrease of the value of the Iraqi Dinar thousands of times during the '90s of the previous century from its real value of the earlier 80's of the previous century. And in all cases, compensating for some of the financial damage after all those years has no influence over the existence of criminal responsibility against those who committed those crimes because this compensation, and even if it was really adequate enough, it still has to do only with the civil responsibility and has nothing to do with the criminal responsibility. And as we said those compensations which were not adequate even if they had paid for the physical damage they definitely were not able to compensate them for the psychological damage these victims had to undergo. And on top of that we are dealing with an international crime where paying some inadequate compensation for a few of the victims of the people of Dujail does not preclude paying more compensations for the other victims of the residents of Dujail.

So what is the role of the Accused Taha Yassin Ramadan in confiscating those lands and orchards which constitute inhumane acts that have a similar character to the other crimes against humanity stated upon in article 12/1st of the Court's Law and which caused great suffering to the owners of those lands and orchards and the residents of Dujail?

We should not forget here that the Accused Taha Yassin Ramadan was a member of the Revolution Command Council (dissolved) which issued the two resolutions that were mentioned earlier (resolution 1283 on October 14, 1982 and resolution 100 on January 23, 1985) since in this case he has participated in issuing the order to confiscate those agricultural lands and orchards that belonged to the victims of the residents of Dujail and in this case he is one of the major participants in issuing these two decisions. It must also be indicated that the Accused Taha Yassin Ramadan had known that this action of his to confiscate the agricultural lands and raze the orchards constituted part of a widespread

systematic attack against civilian citizens since he was a member of the Revolution Command Council who is supposed to know about the content of the resolution before he approves it with his signature and that he had also known because he had supervised the razing operations of those orchards before they were confiscated and this has been proven by the evidence mentioned earlier and he knew also or at least had reasons to know being the general leader of the popular army but he did not take any measures to stop those crimes from taking place and did not take any measures to prosecute the perpetrators because he himself participated in committing them deliberately in various ways and methods.

Therefore the Accused Taha Yassin Ramadan bears the criminal responsibility for the other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to the mental or physical health as a crime against humanity according to article 15/2nd/A, B, C, D of the Court's Law and article 15/4th of the same law.

The Court's verdict regarding the charges against the accused Taha Yassin:

1. Convicting the accused Taha Yassin Ramadan for willful killing as a crime against humanity according to article 12/1/A of the Court's Law and the article 15/2/D and article 15/4^h of the same law and also under article 34/B and article 53 of the penal law number 111 for the year 1969.